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STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
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www.dnr.state.md.us/criticalarea/

July 1, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Powhattan Beach lot 19, Duvall
S 02-033, P 07-0197

Dear Mr. Burke:

Thank you for forwarding revisions to the above referenced subdivision application. The application is for the subdivision of an existing non-conforming lot with two existing dwellings into two conforming lots. The 26,662 square foot property is designated as a Limited Development Area (LDA) and it does not appear that any new development is proposed on the property. The applicant has responded to this office's comments in my March 14, 2008 letter. I have provided my remaining comment below:

- 1) The applicant proposes to provide six trees and 18 shrubs along the side lot lines of the property in the Buffer in response to this office's recommendation that the applicant reestablish the 100-foot Buffer with native trees and shrubs. While it appears that the proposed plantings will bring the property into conformance with the 15% afforestation requirement, we note that the proposed plantings do not amount to reestablishment of a fully functioning 100-foot Buffer. While the proposed plantings do not amount to a fully established Buffer, because it appears that there is no development proposed on the property at this time, the proposed plantings are sufficient. However, if redevelopment of either lot is proposed in the future, a fully established Buffer must be provided by the applicant at that time. Therefore, please have the applicant add a note to the plat and plans that future redevelopment of the waterfront lot will require that the applicant plant a fully functioning 100-foot Buffer, such that no space is left in the Buffer for additional plantings.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.



Mr. Burke
July 1, 2008
Page Two

Sincerely,

A handwritten signature in black ink, appearing to read 'AWidmayer', written in a cursive style.

Amber Widmayer
Natural Resources Planner
cc: AA 651-07

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July 1, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: South River Park lots 12 & 13 Section G
S 94-055, P 07-0218

Dear Mr. Gerczak:

Thank you for forwarding the above-referenced subdivision application. The applicant proposes to re-subdivide two existing lots into 3 lots, to retain an existing dwelling on one of the lots, and to construct a new dwelling on each of the other two lots. The 31,972 square foot property is designated as an Intensely Developed Area (IDA). The applicant has addressed this office's comments from my March 14, 2008 letter and I have no further comments on the proposed subdivision at this time.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

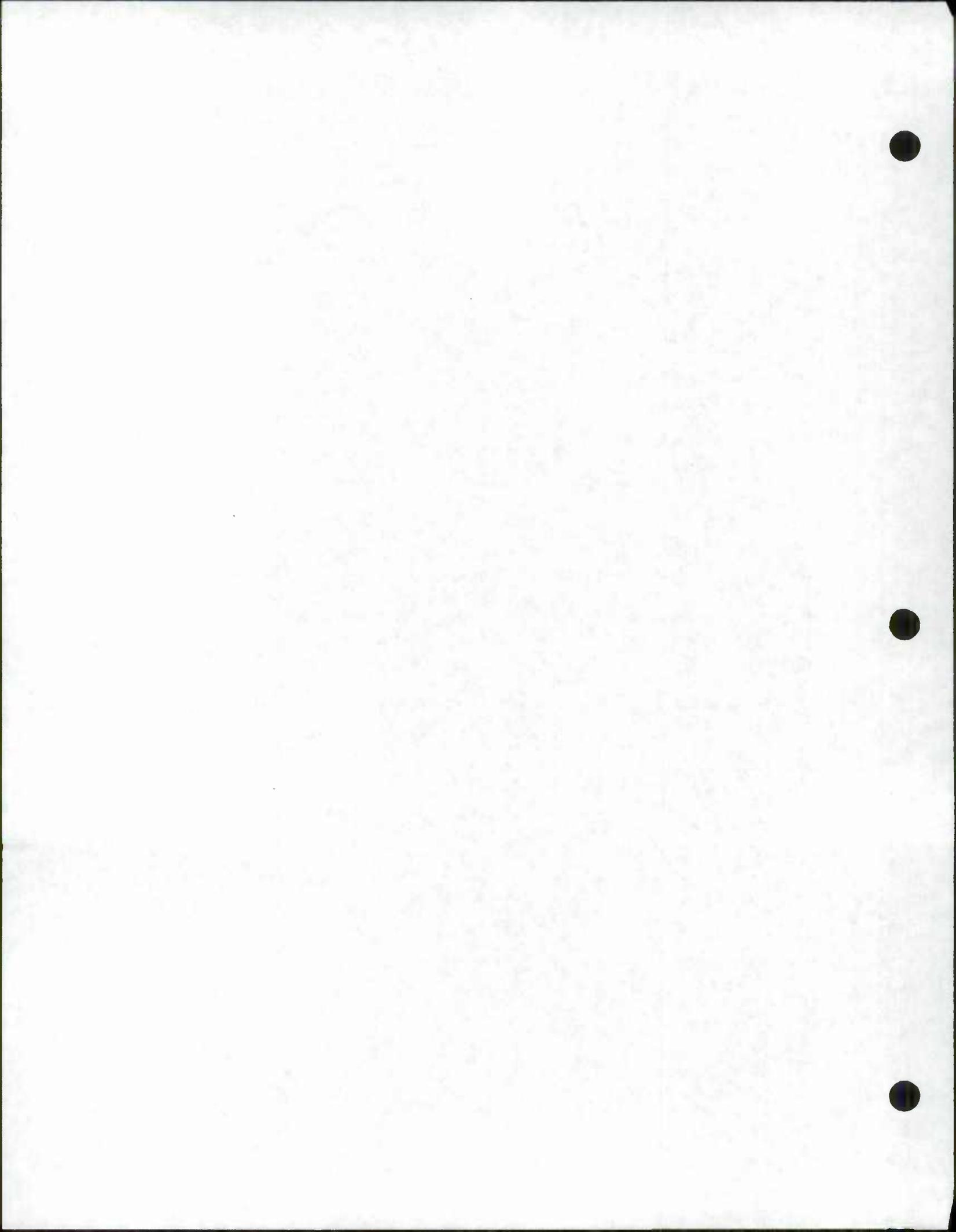
Amber Widmayer
Natural Resources Planner

cc: AA 684-07

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July 1, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Deale Properties South, LLC Property, Hardware Store
G02013502, B02249668

Dear Ms. Krinetz,

I have received the above-referenced site plan for review. The applicant proposes to redevelop an existing commercial building and parking area on a 35,848 square foot property. 11,062 square feet of the property are within the Critical Area and are designated as an Intensely Developed Area (IDA). I have provided comments below:

1. There are several inconsistencies in the applicant's submitted materials with reference to the existing and proposed footprint of impervious surface area on the Critical Area portion of the property. The applicant's report and 10% calculation worksheet indicate that the existing impervious area is 0.189 acres and that the proposed impervious area is 0.074 acres. In contrast, the plan shows 23,471 square feet of existing impervious area, and 18,632 square feet of total proposed impervious area. None of these calculations appear to be correct. It appears that the majority of the IDA on the property will be developed as impervious surface and therefore the 0.074 acre figure is too small to accurately represent the total proposed impervious surface area. Further, there are only 11,062 square feet of the property that are IDA, so the 18,632 square feet figure is too large to represent the actual proposed footprint of impervious surface area within the Critical Area. The applicant must submit corrected plans and 10% calculations with numbers representing the actual footprint of existing and proposed impervious surface area. The applicant should only provide these calculations for the portion of the site that is in the Critical Area.
2. It appears that the applicant intends to use several proposed rain gardens and infiltration trenches to address the 10% pollutant reduction requirement for the proposed redevelopment of the property. Once the applicant has revised the 10% calculations as described above, the applicant should indicate under Step 5 of the 10% worksheet which BMPs will be used to address the pollutant removal requirement. In order to show how much of the property will be treated by the proposed BMPs, the applicant should also provide a drainage map for the

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Ms. Krinetz
July 1, 2008
Page Two

property showing how much of the drainage areas on the site will be directed to the BMPs. We note that rain gardens are typically not an appropriate means of stormwater treatment on commercial properties. It appears that the applicant may be able to use bioretention areas or infiltration trenches on the property to address the 10% pollutant reduction requirement.

3. The applicant's plans are inconsistent with reference to the existing and proposed tree cover calculations. The notes under the "Afforestation Requirement" section show that there are 1,200 square feet of existing tree cover on the property and all of this will be cleared. In contrast, the notes under the "Critical Area and SWM Site Tabulations" show that all of the 400 square feet of existing tree cover will be cleared. Please have the applicant provide accurate information for the existing and proposed tree cover on the portion of the property that is in the Critical Area. Also, there is no afforestation requirement for redevelopment of properties in the IDA. However, COMAR 27.01.02.03.D(4) requires that if practicable, permeable areas within IDA shall be established in vegetation. Therefore, the applicant's revised plans should show that any remaining permeable areas on the property will be planted with native species

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 359-08

Martin O'Malley
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Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 2, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: St. Johns Creek, consolidation of lots 14 & 15, Jones property

Dear Ms. Vidotto:

Thank you for forwarding information regarding the above-mentioned proposed lot consolidation. The applicant proposes to combine two existing lots into one and to redevelop the existing dwelling in accordance with the site plan submitted to the Calvert County Board of Appeals for the Buffer variance application 2008-3500. The 38,702 square foot property is classified as a Limited Development Area (LDA) and it is currently developed with a dwelling and driveway. I have outlined my comments below:

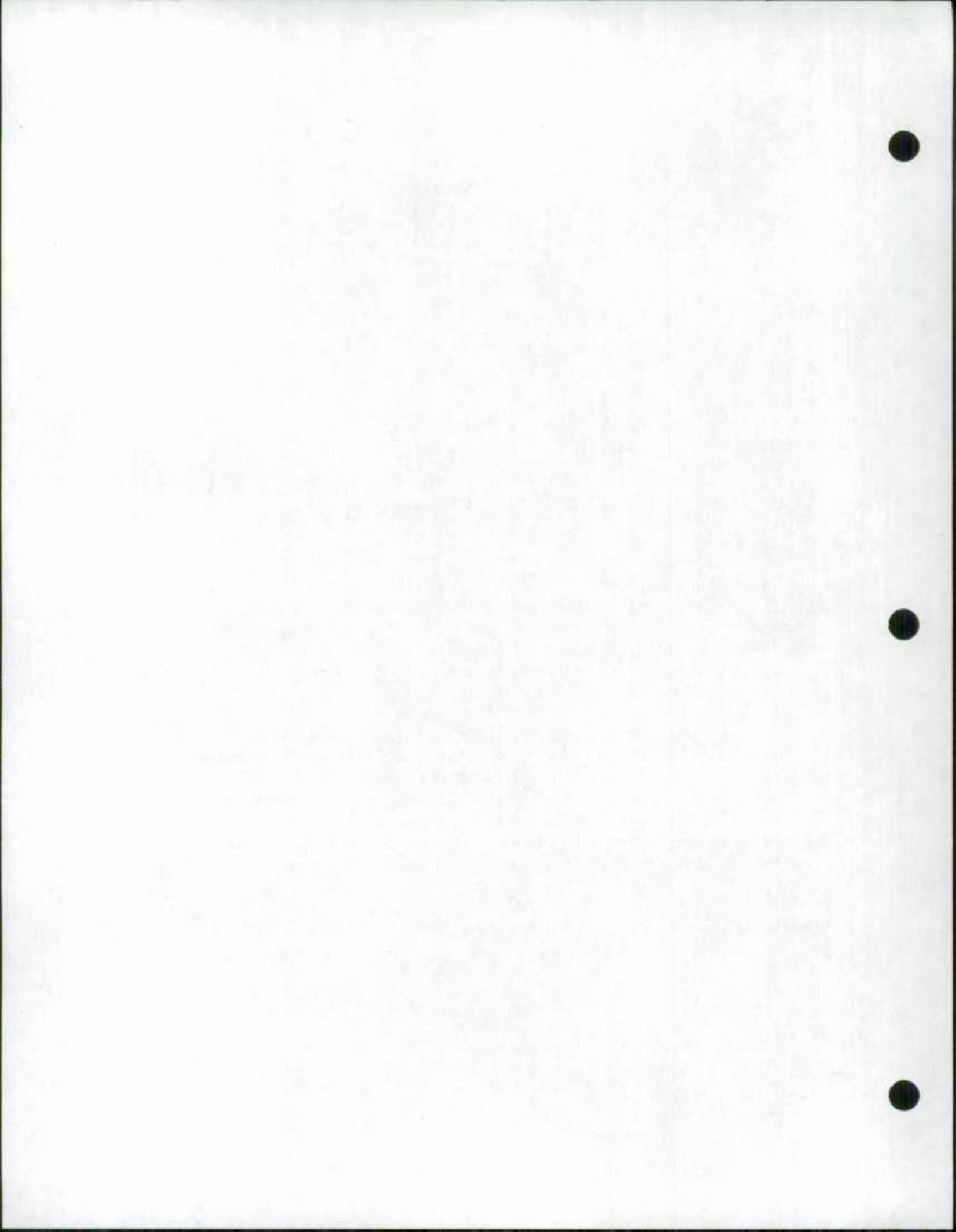
- 1) We note that the majority of the proposed lot is within the 100-foot Buffer. While the property owner has received a variance for disturbance to the Buffer to redevelop the property, the variance was granted in association with a specific footprint and location. Therefore, we recommend that the applicant include a note on the plat that the property can only be redeveloped at this time in accordance with the site plan that was submitted for the 2008-3500 Buffer variance application, and that future redevelopment of the property, including that which proposes to alter the Board approved footprint of redevelopment, may require an additional variance.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resource Planner
CA ~~664-0717-08~~



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July 7, 2008

Mr. Vivian Marsh
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Holder Property
S 86-322, P 05-012000NF

Dear Mr. Marsh:

Thank you for forwarding the above-referenced revised subdivision application. The applicant proposes to subdivide an undeveloped 111.68 acre property to create 29 single family lots with construction of a new dwelling and driveway on each lot. 77.53 acres of the property are within the Critical Area with 53.01 acres designated as a Limited Development Area (LDA) and 24.52 acres designated as a Resource Conservation Area (RCA). It appears that the proposed development within the Critical Area is only located within the LDA portion of the property. The applicant has addressed most of this office's comments from Kate Schmidt's February 5, 2007 letter. I have outlined my remaining comments below:

1. Please have the applicant provide a current letter from Maryland Department of Natural Resources' Wildlife and Heritage Service (WHS) indicating the presence of any known sensitive species on the property or in the vicinity, and any measures that should be taken for protection of the species from proposed development impacts. The letter that is in the file is from 2003, and this office requires a WHS letter that is no more than two years old.
2. It appears there are some inconsistencies between the Critical Area calculations on different plans. For instance, plat one of five indicates that there are a total of 24.52 acres of LDA on the property. However, under the plat tabulation on plat two of five, there is a note that there are 32.65 acres of LDA just on that plat. Also, plat three of five shows 25.85 acres of LDA on that plat. There is also a conflict between the reported acreage of existing forested area on the property in the Critical Area on different plans. The plat indicates that 30.22 acres are

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currently forested in the Critical Area, while the Forest Conservation plan indicates that this number is 26.83 acres. Please have the applicant resolve these inconsistencies.

3. We recommend that the applicant provide fencing or signage to mark the nontidal wetland buffer that abuts the lot lines for proposed lots 1, 3, 4, 6, 11, 17, and 25-29 to provide notice to current and future property owners that no disturbance is allowed within this area.
4. There appears to be a stream in the Critical Area that is shown without the requisite 100-foot Buffer from the edge of the stream banks. It is labeled and shown on the Public Road and Stormdrain Plans as "existing creek to be filled in," but it is labeled as a nontidal wetland with a 25-foot buffer on the plat and development plans. It appears that the stream runs between proposed lots 26 and 28, between lots 6 and 7, and between lots 25 and 28. If this water feature is a perennial or an intermittent stream, it qualifies as a tributary stream in the Critical Area which requires a 100-foot Buffer and the proposed plans should be amended accordingly. Also, it appears that the proposed lots that are adjacent to the stream may need to be reconfigured so that the lot lines are not in the 100-foot Buffer.
5. The reforestation plan indicates that 2,870 loblolly pines will be planted on a 0.42 acre portion of the property, which seems to be excessive. Please clarify whether this is a mistake.
6. Most of the proposed open space areas in the Critical Area are shown as existing and proposed forest conservation easement areas. It is unclear what the proposed use of these areas will be. They should be limited to passive recreation which does not require any cutting or clearing within these areas, and no structures or impervious surfaces may be located in the open space areas. Please confirm that this will be the case, and provide a notation on the plat and plans to this effect. We note that a 0.17 acre section of proposed open space area I is labeled as a passive recreation area, but none of the other open space areas are labeled with a use. Please clarify how the proposed use of the 0.17 acre section is different from the other open space areas.
7. The applicant's materials indicate that all 3.68 acres of the allowable impervious surface area for the LDA will be developed. However, the plans only show the proposed impervious surface area for the lots, which is approximately two acres. Please provide information as to how the remainder of the 3.68 acres will be developed as impervious surface within the subdivision.
8. Please provide the total area within the subdivision that will be placed in an easement on the plat and plans. Also, please clarify whether all of the proposed reforestation areas and the existing easement areas will be placed in an easement.

Mr. Marsh
July 7, 2008
Page Two

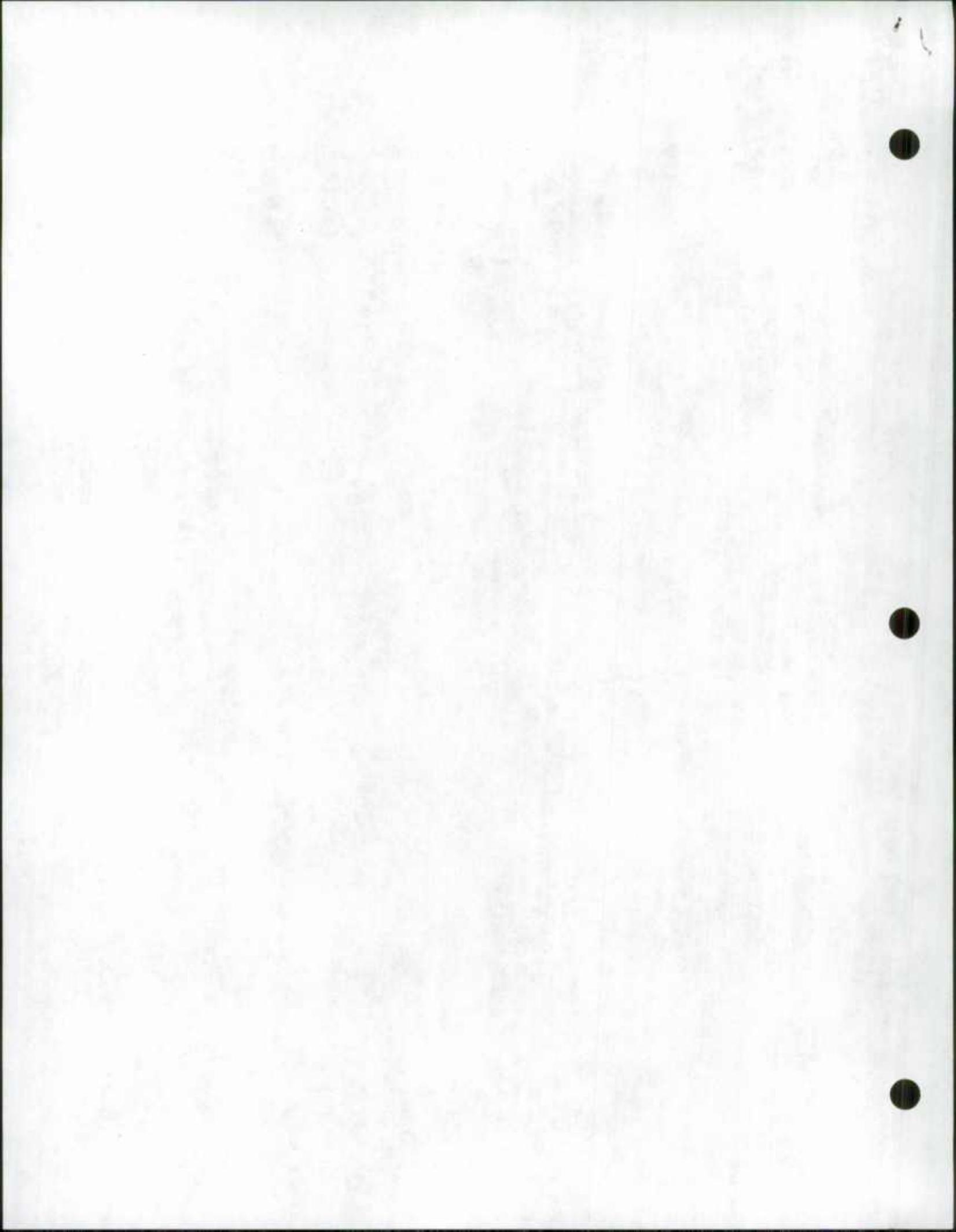
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 323-03



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July 7, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Breezy Point Marina- MSD-07-25-19

Dear Ms Vidotto:

Thank you for providing information regarding the above referenced subdivision application. The applicant proposes to create a one acre lot in the Critical Area, to construct a new dwelling and driveway on that lot, and to create a non-buildable 2.78 acre residue parcel. The applicant's information indicates that the property is 6.64 acres and it is designated as a Resource Conservation Area (RCA). I have outlined my comments below:

- 1) Calvert County's tax records and property maps do not show the 6.64 acre property described by the applicant as an independent and legally recorded tax parcel. Instead, the maps and tax records identify the property as part of parcel 60 which is a 50 acre property. Please have the applicant provide documentation of the 6.64 acre parcel.
- 2) The applicant has shown both a 100-foot Buffer and a slope expanded Buffer on the plans. However, where the Buffer is expanded to include steep slopes, this slope expanded Buffer takes the place of the 100-foot Buffer. Therefore, please have the applicant revise the plans so that only the 100-foot or expanded Buffer is shown, as applicable.
- 3) Based on the applicant's information, the 6.64 acre parcel is an existing nonconforming parcel within the RCA because it does not have the requisite 20 acres of permanently protected acreage associated with its creation. While it appears that there is one grandfathered development right associated with this parcel, the parcel can not be subdivided as proposed to create additional smaller nonconforming properties, consisting of a one acre lot, a 2.78 acre residue, and 2.86 acres of tidal wetlands. It is this office's position that no new nonconforming lots can be created in the RCA. If the applicant wishes to define the proposed one acre lot area and confirm that the rest of the property will not be disturbed, this can be accomplished by placing the area of the proposed residue in a conservation easement, without changing the existing property lines. If the applicant wishes to create new lot lines within the 6.64 acre

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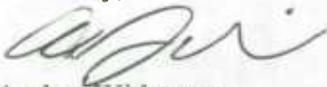
Ms. Vidotto
July 7, 2008
Page 2 of 2

property, the applicant must make an official application to the County for the use of growth allocation in order to accommodate the proposed intensification of use of the property.

- 4) The applicant must obtain and submit a letter from Maryland Department of Natural Resources' Wildlife and Heritage Service (WHS) which indicates the presence of any known rare, threatened or endangered species in the vicinity of or on the property. This office's records indicate that there is a bald eagle nest and another protected species on the property. The applicant must incorporate into the plan any guidelines provided by WHS for protection of the sensitive species on or in the vicinity of the property.
- 5) These comments should be addressed prior to preliminary site plan approval by the County.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resource Planner

cc: CA 320-07

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MEMORANDUM

To: Arnold Norden, MPS

From: Amber Widmayer *AJW*

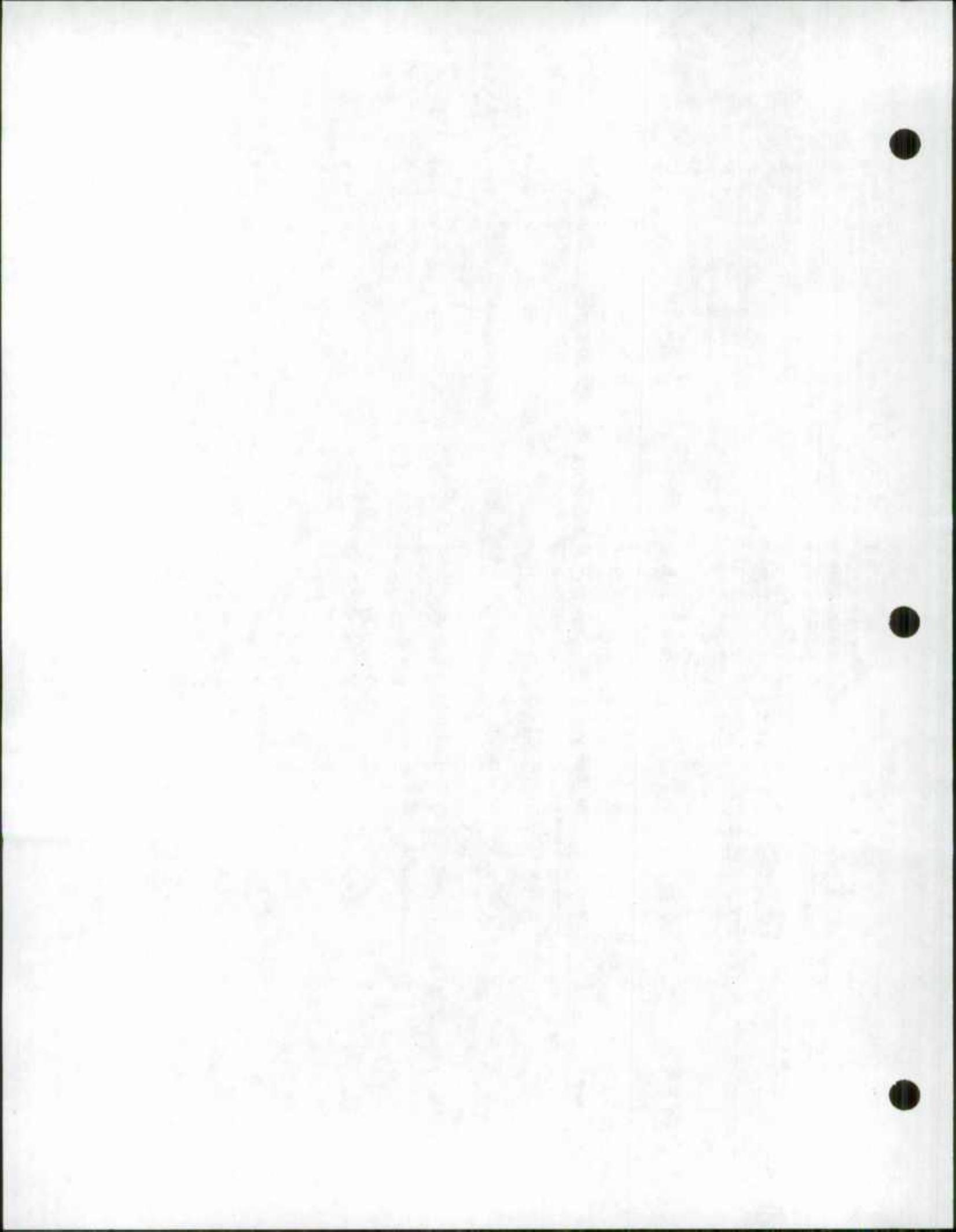
Date: July 8, 2008

RE: Sandy Point SP, Metal Shed with Electric Service, 2008-DNR-149
Anne Arundel County

This office has received the review notice for the above referenced project. The notice states that the purpose of the project is to construct a five foot by eight foot metal building at the entrance of the park's East Beach shelter area to be used by staff to monitor this area during the summer season. The building will be constructed on a 7 foot by 12 foot concrete pad. Electrical lines will also be installed to provide electricity to the building. It appears that the proposed project site is located entirely within the Critical Area and is considered an area that is intensely developed based on the existing development on the site.

The proposed development qualifies under COMAR 27.02 as a State agency action resulting in development on State-owned lands. As such, the project will require formal review by the Commission. We recommend that the project implementation be coordinated with both DNR and Commission staff early in the planning process to make sure that any Critical Area issues are adequately addressed at both the State and local levels. For instance, because the project is within an area that is intensely developed, the applicant must submit 10% pollutant reduction calculations and show how it will address the pollutant reduction requirement for the site. The worksheets that are necessary for completing these calculations can be found on the Commission's website at the following link:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html.

Thank you for the opportunity to review this proposal. If you have any questions, please call me at 410-260-3481.



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July 8, 2008

Ms. Olivia Vidotto
Calvert County
Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Theriot Lot Consolidation, lots 25 and 26, Kenwood Beach

Dear Ms Vidotto:

Thank you for forwarding information regarding the above-referenced plat revision. The applicant is revising an existing plat for the purpose of combining two existing grandfathered lots. It appears that the property is 4,620 square feet, it is currently developed with a single family dwelling and driveway, and it is designated as a Limited Development Area (LDA). I have provided my comments below.

- 1) This office recommends that the applicant add the following information to the proposed plat:
 - Acreage of the existing lots and the proposed lot
 - Critical Area designation of the property, LDA
 - Existing impervious area and total lot coverage allowed on the property
 - Existing forested area on the property

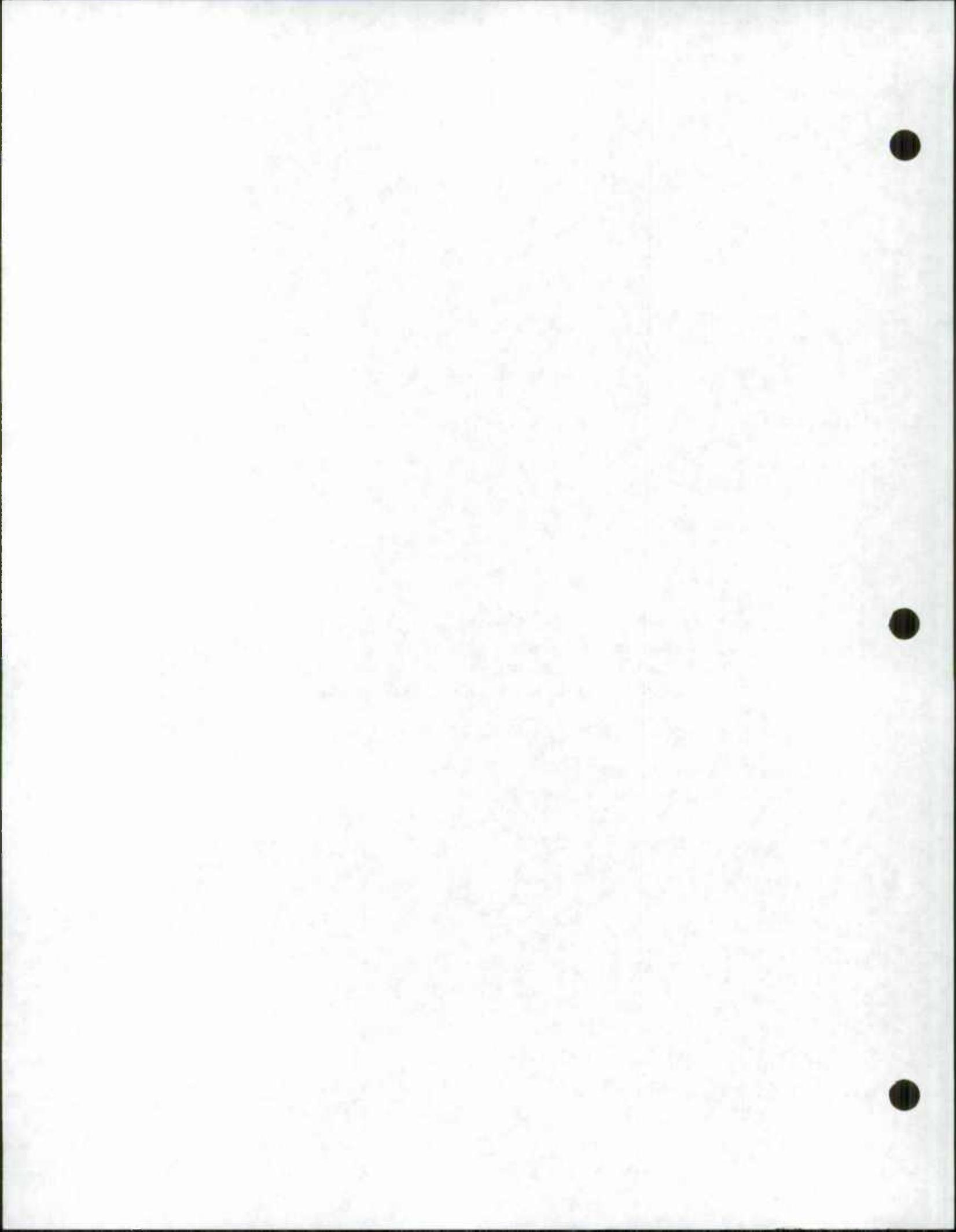
Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: CA 313-08



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July 8, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Cypress Creek/Newbills Delight/Mackley Property
S 07-011, P 07-003700NS

Dear Ms. Krinetz,

Thank you for forwarding the above-referenced subdivision application. The applicant proposes to re-subdivide three existing lots into four lots. The 1.096 acre property is currently developed with a single family dwelling, driveway, detached garage, and pier. The property is within the Critical Area, it is designated as a Limited Development Area (LDA) and it is within the County's mapped Buffer Modification Area (BMA). I have outlined my comments below:

1. The County's Critical Area program does not contain provisions for subdividing property within the BMA. In the absence of these provisions, it does not appear that the proposed subdivision within the BMA is permitted.
2. Please have the applicant add the 100-foot Buffer and 50-foot BMA setback to the plans. While it does not appear that the applicant proposes development activities on the property at this time, if the property is developed in the future, the applicant must provide plantings to create a 50-foot Bufferyard, and mitigation at a 2:1 ratio must be provided for the area of disturbance within the 100-foot Buffer for any grading, clearing, or the footprint of impervious surfaces or structures. Therefore, we recommend that the applicant include a note on the plat and plans that development of the proposed lots will trigger these Bufferyard and mitigation planting requirements.
3. It does not appear that the proposed subdivision can be developed with three additional dwelling units within the 15% impervious surface limit for the property. According to the applicant's submitted materials, 14.8% of the property is already developed as impervious surface with just the existing dwelling, driveway and garage. Consequently, it appears that future development of additional impervious surface associated with construction of additional dwellings on the proposed lots will require an impervious surface variance. Newly created non-grandfathered lots should only be approved if they can be developed without variances. This

office can not support variance requests for development of newly created non-grandfathered lots. Therefore, unless the applicant can demonstrate that the proposed lots can reasonably be developed with a dwelling without the need for an impervious surface variance or other variances, we recommend that the proposed subdivision not be approved as currently proposed.

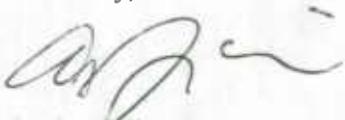
4. The subdivision plat must contain information regarding existing and proposed lot coverage. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Anne Arundel County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that:
 - a) The approved development plan remains valid in accordance with Calvert County's procedures and requirements; and
 - b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Anne Arundel County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

5. As described above, the existing impervious surface area on the property is close to the 15% limit. Yet, the applicant's forms indicate that an additional 7,658 square feet of impervious surface is proposed on the property. This would create a total of 14,707 square feet of impervious surface, which exceeds the 15% limit by 7,573 square feet. Please have the applicant clarify why the additional impervious surface area is proposed, and amend the plans such that the total proposed impervious surface area will not exceed 15% of the property area.
6. The applicant indicates that there is no forest cover on the property. However, it appears that there are several existing trees located on the property. Please have the applicant provide the total existing and proposed area of tree cover on the property. A minimum of 15% forested cover must be established if not otherwise present.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 302-08

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July 8, 2008

Ms. Olivia Vidotto
Calvert County
Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Summer City Lot Consolidation, lots 7-13

Dear Ms Vidotto:

Thank you for forwarding information regarding the above-referenced plat revision. The applicant is revising an existing plat for the purpose of combining seven existing grandfathered lots into one 14,000 square foot lot. The property is currently developed with a single family dwelling, driveway, porch, garage, shed, and tractor trailer. The property is within the Critical Area and is designated as a Limited Development Area (LDA). I have provided my comments below.

- 1) The existing impervious surface area on the property exceeds the 31.25% impervious surface area limit for lots that are between 8,001 and 21,780 square feet. The proposed 14,000 square foot lot is limited to 4,375 square feet of impervious surface. The applicant's submitted materials indicate that the lot is currently developed with 5,887 square feet of impervious surface and 872 square feet of additional impervious surface is proposed. While this office recognizes that the existing impervious surface area on the property may have existed prior to the County's adoption of its Critical Area program, the applicant may not add new impervious surfaces at the present time that will create a further nonconformance with the current County law. Therefore, we recommend that the applicant include a note on the plat stating that no additional impervious surface area is allowed on the property, and that if the property is redeveloped in the future, it will be limited to 4,375 square feet of impervious surface. If the applicant wishes to add more impervious surface at this time, the applicant must obtain a variance to the impervious surface/lot coverage limit in the Calvert County Critical Area program.
- 2) The applicant's materials indicate that there is no tree cover on the property. The County's Critical Area program afforestation provision requires that at least 15% of a property in the

Ms. Vidotto
July 8, 2008
Page Two

Critical Area be established in tree cover. If the property is redeveloped in the future, this 15% afforestation requirement must be met. Please make a note of this on the plat.

3) This office recommends that the applicant add the following information to the proposed plat:

- Acreage of the existing lots and the proposed lot
- Critical Area designation of the property, LDA
- Existing impervious area and total lot coverage allowed on the property
- Existing forested area on the property

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: CA 361-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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July 10, 2008

Ms. Lori Allen
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Holly Beach Farm, CBF, Parks
C 08-005200NC, G 02013508

Dear Ms. Allen:

I have received information regarding the above mentioned site plan for review. It appears from the plans that the applicant proposes to construct an approximately 1,250 square foot garage and an approximately 9,600 square foot gravel parking lot on an undeveloped 4.98 acre property. The property is within the Critical Area and is designated as a Resource Conservation Area (RCA). I have provided my comments below:

1. The applicant states in the submitted narrative, "the Chesapeake Bay Foundation has development on other parts of the residue and it is considered a commercial use." It does not appear that the proposed development or the existing commercial development fit under any of the permitted uses in the RCA listed in the County's Code. Therefore, please have the applicant provide information that illustrates under which of the County's permitted uses of the RCA the proposed and existing development are permitted.
2. It is unclear why such an extensive area is proposed to be cleared and developed as lot coverage with the proposed parking area surrounding the garage. Please have the applicant either demonstrate the necessity of the large parking area surrounding the garage, or reduce the proposed clearing and impervious surface area.
3. Our records indicate that there is a federally protected species located in the vicinity of the project area. Therefore, the applicant must obtain a letter from the Maryland Department of Natural Resources' Wildlife and Heritage Service (WHS) that indicates whether any protected species are on the property or in the vicinity. The applicant should incorporate into the plans any WHS recommendations for protection of the species from the proposed development impacts.
4. The "Forestation Required/Provided" table on page two of the applicant's plans indicates that one 1/2-inch caliper tree equals 100 square feet of mitigation planting credit, and two 1/2-inch

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Ms. Allen
July 10, 2008
Page 2 of 2

caliper trees equal 400 square feet of planting credit. This is not correct. This office recognizes 100 square feet of planting credit per 2-inch caliper tree and 50 square feet of planting credit per seedling or shrub. If a large tree is planted in a cluster with either two smaller trees or three shrubs in a 3-5 gallon container, this office will recognize 400 square feet of planting credit for each cluster. Please have the applicant revise the planting plan accordingly.

5. It appears that there are three reforestation areas proposed. Please provide the acreage of these areas, and show that they will be placed in a conservation easement. Also, COMAR 27.01.02.04(C)(2) and 27.01.02.05(C)(8) provide that no more than 20% of any forest or developed woodland may be removed from forest use for development activities in the RCA, and that the remaining 80% shall be maintained through recorded, restrictive covenants or similar instruments. Therefore, the applicant should show at least 80% of the existing 4.98 acres of existing forested area in an easement on the plat and plans.
6. The applicant indicates that the proposed clearing and grading will be permitted under what seems to be described as an existing Vegetative Management Plan that was previously granted for removing 28 dead or dying trees. This is incorrect and the applicant must obtain a grading permit for the newly proposed clearing and grading.
7. Please clarify who is the applicant for the grading permit and who will be responsible for providing the required mitigation plantings. It seems that the Chesapeake Bay Foundation is the responsible party based on its ownership of the land.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 273-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 10, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Suit- MSD-06-34-32-Intrafamily Transfer

Dear Ms Vidotto:

Thank you for providing revised information regarding the above referenced proposed intrafamily transfer subdivision. The applicant proposes to create three new lots in the Critical Area with two residue parcels from an existing parcel. The property consists of two non-contiguous sections within one existing parcel with 37.03 acres that are within the Critical Area. The property within the Critical Area is designated as a Resource Conservation Area (RCA). The applicant has addressed some of this office's comments from my April 3, 2008 letter and I have provided my remaining comments below:

- 1) Please have the applicant provide the acreage of the portions of the proposed lots and residues that are located in the Critical Area.
- 2) The intrafamily transfer provisions of Natural Resources Article §8-1808.2 and the Calvert County Critical Area program 8-1.05.H.2.a provide that, "a parcel that is 12 acres or more and less than 60 acres in size may be subdivided into three lots." Because the applicant proposes to create three lots at this time from the 37.03 acre portion of the parcel that is in the Critical Area, it appears that all development rights for this property will be exhausted. Please have the applicant add a development rights summary to the plat indicating the assignment of development rights to each lot and stating that no remaining development rights exist for the property. I have provided an example of this type of summary for clarity below:

Development Rights Summary

- Parcel 6 Acreage in the Critical Area=37.03 acres
- Critical Area development rights on Parcel 6= three lots

- *per Calvert County Code 8-1.05H.2.b, "A parcel that is 12 acres or more and less than 60 acres in size may be subdivided into three lots. Two of the lots shall be intrafamily transfer lots and shall be recorded as such."*
 - *Lot 1 is in the Critical Area and its creation extinguishes one Critical Area development right*
 - *Lot 3 is in the Critical Area, it is an intrafamily transfer lot, and its creation extinguishes one Critical Area development right*
 - *Lot 4 is in the Critical Area, it is an intrafamily transfer lot, and its creation extinguishes one Critical Area development right*
 - *The creation of Lots 1, 3, and 4 by this subdivision extinguishes all three development rights available to Parcel 6*
 - *There are no remaining development rights associated with Parcel 6. The property is limited to a total of three residential dwelling units, and no additional dwelling units may be located on the property*
- 3) Calvert County's Critical Area program 8-1.05.H.2 also provides that "two of the lots shall be intrafamily transfer lots and shall be recorded as such." It appears that the applicant has identified only Lot 3 as an intra-family transfer lot, and therefore either Lot 1 or Lot 4 must be identified as an intrafamily transfer lot. Also, as required by the County's Code 8-1.05.H.3, "An intrafamily transfer lot may only be created for an immediate family member and that family member shall be identified on the subdivision preliminary and final plats." Therefore, please have the applicant provide this information for both of the proposed intrafamily transfer lots on the plat and plans.
- 4) The plat shows an existing dwelling within the Buffer in the area of proposed Lot 3 and there is a plat note which indicates that all existing structures will remain. However, we note that a building envelope is shown on the plat for Lot 3 outside of the area containing the existing dwelling. Since it appears that the one development right that is associated with Lot 3 is already taken by this existing dwelling, no additional dwellings may be developed on Lot 3. Therefore, please confirm that no additional dwellings are proposed within the proposed building envelope at this time.
- 5) If the existing dwelling on proposed Lot 3 is redeveloped in the future, the replacement dwelling must be located outside of the Buffer. Newly created lots in the Critical Area should be configured such that no variances will be required for future development. Because it appears that there is ample space on the proposed lot outside of the Buffer for redevelopment, this office will not support future variances to construct a new dwelling in the Buffer. Accordingly, we recommend that the applicant include a notation on the plat to this effect.
- 6) We note that the plans show that proposed intrafamily Lot 3 will be deeded to Morris W. Suit II, who is also a current owner of the property. However, as noted in comment 3 above, intrafamily transfer lots may only be created for an immediate family member. In Natural Resources Article § 8-1808.2(a)(3), "immediate family" is defined as "a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter." Therefore, Lot 3 can not be created for a current owner of the property as an intrafamily transfer lot, and can only be created for an immediate family member as defined above.

Ms. Vidotto
July 10, 2008
Page 3 of 3

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resource Planner
CA 424-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 10, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Paglia Property
S 07-052, P 08-001900NF

Dear Mr. Gerczak,

Thank you for forwarding revised plans for the above-referenced project for review. The applicant proposes to subdivide an existing undeveloped 1.97 acre parcel into two lots and to construct a single family dwelling and driveway on one lot, and to construct a manufacturing building and parking lot on the other lot. It appears that most of the property is classified as a Limited Development Area (LDA) and that some of the property is classified as a Resource Conservation Area (RCA) and an Intensely Developed Area (IDA). The applicant has addressed this office's comments from Kate Schmidt's March 3, 2008 letter and I have provided my remaining comments below:

1. It does not appear that the RCA line that is shown on the plans matches the County's Critical Area map. Specifically, it appears that the County's Critical Area map shows the portion of RCA on the property along the entire northern boundary of the property. Also, it appears that there is a small piece of IDA along the northeastern property boundary. If this is the case, it appears that the proposed manufacturing building on lot 1 may have to be relocated so that no development activities are located within the RCA on the property. Please have the applicant adjust the RCA/LDA/IDA line to match the County's Critical Area maps on the plat and plans as necessary. Also, the acreage of each area within each designation on the property should be included on the plat and plans.
2. If any development is proposed within the IDA portion of the property, the applicant will have to submit 10% pollutant reduction calculations for that area and show how the 10% reduction requirement will be addressed on the site. The 10% calculation worksheets and more information about the 10% pollutant reduction requirement can be found on this office's website at the following address:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html.

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Mr. Gerczak
July 10, 2008
Page 2 of 2

3. Please have the applicant provide clarification for several of the figures in the woodland clearing calculations table on the plat and plans. The applicant is correct in showing that the required reforestation mitigation requirement for the proposed 17,843 square feet of clearing is 26,765 square feet. However, it is unclear how the applicant has determined that the "total woodland required" is 75,808 square feet. Also, the applicant indicates that there will be 52,291 square feet of "reforestation/afforestation provided." It appears that instead, this figure should be labeled as the existing forested area to remain, or the area of the proposed forest conservation easement. We note that the proposed easement area does not count toward meeting the reforestation requirement. Therefore, the mitigation requirement that it appears the applicant proposes to address by fee in lieu payment should be 26,765 square feet, instead of the 23,517 square foot "deficit woodland" calculation shown in the table.
4. As noted above, the applicant currently proposes to place 52,291 square feet of the existing forested area on the site in a forest conservation easement, which is 74.6% of the existing forested property area. However, COMAR 27.01.02.04.C(3)(c) requires that an area equal to 80% of the existing forested area be placed in an easement. Therefore, please adjust the proposed easement areas so that 80% of the existing 70,061 square feet of existing forested area on the property is in an easement.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 72-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 11, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Bay Meadow Industrial Park
C 08-0025, G 02013383

Dear Mr. Gerczak,

I have received the above-referenced site plan for review. The applicant proposes to construct a 65,000 square foot commercial building and parking lots on an undeveloped 6.54 acre parcel in the Critical Area. The property is designated as an Intensely Developed Area (IDA). I have provided my comments below:

1. As requested, the applicant has provided the 10% pollutant reduction calculations. The applicant proposes to partially address the pollutant reduction requirement with a grass channel credit. However, grass channels are intended for treatment of roads and other similar linear impervious surfaces with narrow widths. Therefore, the applicant must provide another treatment option to address the 10% pollutant reduction. For instance, it appears that using a nonrooftop disconnect credit might be appropriate if the plans were revised so that "the length of the disconnection [is] equal to or greater than the contributing length. 2000 Maryland Stormwater Design Manual Section 5.3, Disconnection of Non Rooftop Runoff Credit. Currently, this is not the case because the contributing length of impervious surface is as much as 60 feet, but the distance the water travels within the channels in some instances is only the width of the channel due to the number and configuration of inlets which direct water from the channel and into the pipe leading to the infiltration trench. Perhaps if the number of inlets was reduced, the applicant could meet the nonrooftop disconnect credit requirements to deduct some of the proposed impervious surface area. Alternatively, it appears that there is room on the site to install a perimeter sand filter.
2. There are direct contradictions in the applicant's submitted information with reference to the presence of wetlands or waters of the U.S. on the property. The applicant references the U.S. Army Corps of Engineers' determination that there are no tidal or nontidal wetlands on the property. Yet, sheet 13 of 14 of the plans indicates that the coastal plain outfall connects with an existing stream on the property at the edge of the proposed forest conservation area. Additionally, sheet 8 of 14 notes that "stormwater management for quantity has been waived per stormwater management #13-85, under current Code Section 3-204-9(a)5," which indicates

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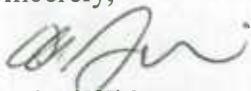
that there is a direct connection to tidal waters on the property. The applicant must resolve this inconsistency. If there are no streams or wetlands on the property, it appears the applicant can not use the coastal plain outfall and will have to provide stormwater quantity management. Alternatively, if there is a stream or wetlands on the property, the applicant must show a 100-foot Buffer from the edge of the tidal wetlands or waters, or edge of the stream and the Buffer must be expanded to include contiguous hydric soils or slopes 15% or greater.

3. It is unclear how the feature labeled as the expanded Buffer on the plans was mapped. As described above, the applicant indicates that no wetlands or waters of the U.S. are on the property. Therefore, it is unclear as to what water feature the shown expanded Buffer is measured from. If there is a stream or wetlands on the property, it does not appear that the expanded Buffer is mapped correctly as described above. Please have the applicant correctly map the 100-foot Buffer or expanded Buffer as necessary. The Buffer mapping must be based on a field delineated survey.

4. If there is a stream and its requisite Buffer on the property, it appears that the currently proposed development footprint will be located within that Buffer. If this is the case, the proposed development must be reconfigured so that no disturbance is proposed within the Buffer for clearing, grading or locating structures, roads or parking lots. The stormwater outfall may be located in the Buffer as it is a water dependent facility, and the applicant must provide mitigation plantings at a 2:1 ratio for the total footprint of Buffer disturbance for construction of the outfall. If any other disturbance is proposed in the Buffer, the applicant must obtain a variance to permit such Buffer disturbance. It does not appear that the applicant can meet the variance standards since it appears there is enough room for reasonable development of the property outside of the Buffer. Consequently this office would not support a Buffer variance request. Therefore, the applicant should revise the plans so that no disturbance in the Buffer is proposed, with the exception of disturbance associated with construction of a water dependent stormwater outfall.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AA 179-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 14, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Knox, June
S 07-041, P 07-0113

Dear Mr. Burke:

Thank you for forwarding the above-referenced revised subdivision request. The applicant proposes to subdivide an existing 1.14 acre parcel into two lots, and to build a new dwelling and driveway on each of the two proposed lots. The property is classified as a Limited Development Area ("LDA") and is currently undeveloped. It appears that the applicant has addressed some of this office's comments from my March 13, 2008 letter. I have my provided my remaining comments below.

1. Sheet number three of the plans shows two soil boring test sites in the Buffer. However, no proposed development is shown in the Buffer on the plans that corresponds with these test sites. Please have the applicant explain why the soil boring tests sites are located in the Buffer. This subdivision should not be approved if it can not be developed without locating development or septic fields in the Buffer. Such disturbance within the Buffer would require a variance. This office can not support variances for disturbance in the Buffer for development of newly created non-grandfathered lots.
2. Please have the applicant provide a planting plan showing the size and species of the proposed onsite mitigation plantings. This office recognizes 100 square feet of planting credit per 2-inch caliper tree and 50 square feet of planting credit per seedling or shrub in a 3-5 gallon container. If a large tree is planted in a cluster with either two smaller trees or three shrubs, this office will recognize 400 square feet of planting credit for each cluster. The plantings should be native species and a list of such species can be found in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed document which is available at <http://www.nps.gov/plants/pubs/chesapeake/>.
3. The cover sheet of the proposed plat indicates that 6,952 square feet of impervious surface area is proposed. However, the plans show that 7,460 square feet will ultimately be developed. Please have the applicant resolve this inconsistency.

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Mr. Burke
July 14, 2008
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 371-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 18, 2008

Mr. Richard A. Ransom, Senior Counsel
UniStar Nuclear
750 E. Pratt Street, 14th Floor
Baltimore, MD 21202-3106

Re: Calvert Cliffs Nuclear Power Plant Expansion

Thank you for your revised submittal to the Critical Area Commission regarding the expansion of the Calvert Cliffs Nuclear Power Plant (CCNPP) as submitted by UniStar Nuclear Energy, LLC and UniStar Nuclear Operating Services, LLC ("UniStar"). At this time, UniStar is requesting Commission approval for the portion of the proposed nuclear power Unit #3 located within the Critical Area at the CCNPP in Lusby, MD. On July 17, 2008, the Commission received and accepted UniStar's revised submittal as complete. A panel of the Commission will conduct a public hearing on the proposal on July 23, 2008 at 6:00 p.m. at Calvert High School, located at 600 Dares Beach Road in Prince Frederick, Maryland.

If you have any questions about the Commission's process for review of this project, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive that reads "Amber Widmayer". To the right of the signature is a small circular stamp containing the initials "AW".

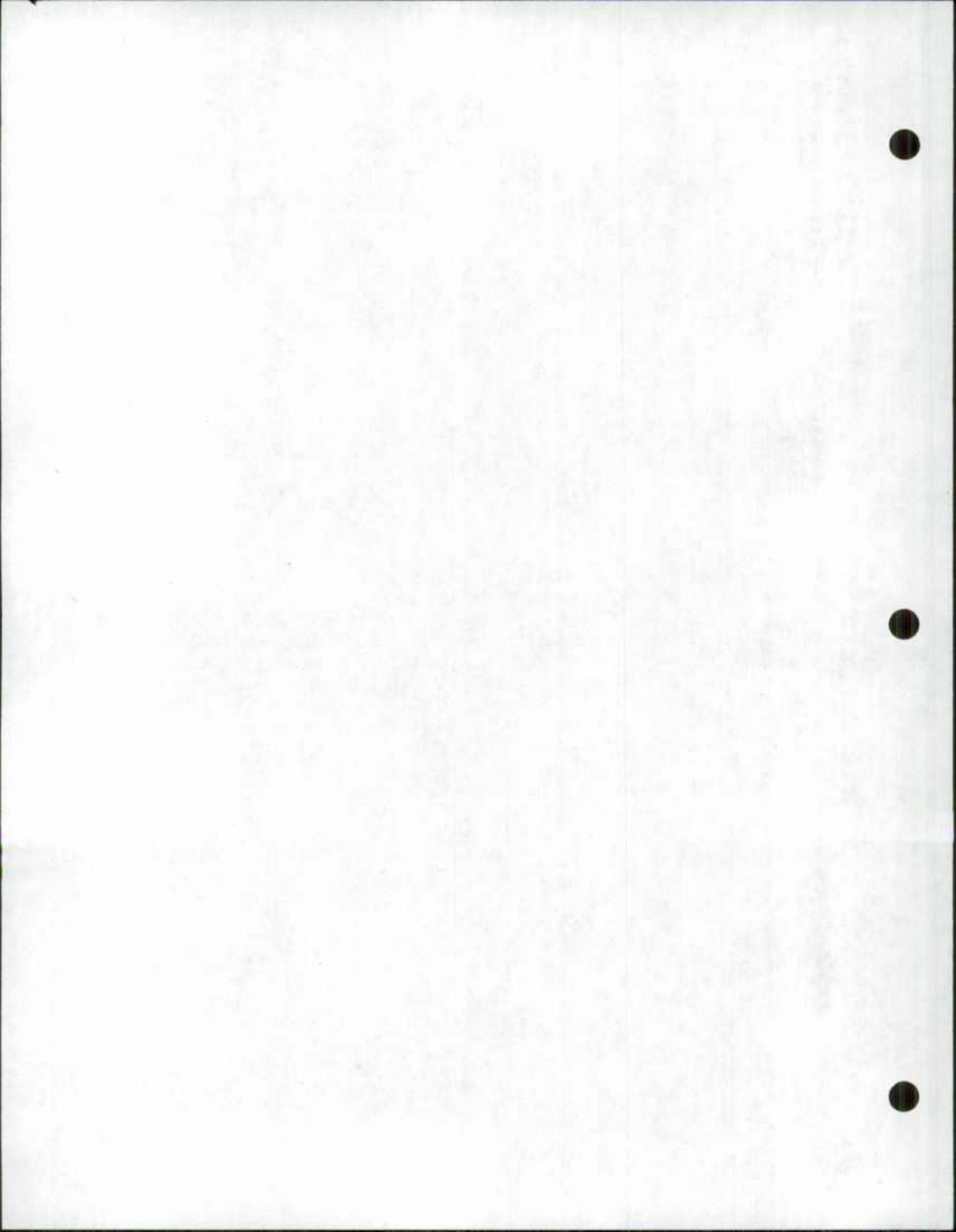
Amber Widmayer
Natural Resources Planner

Cc: Marianne Dise, Principal Counsel

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July 29, 2008

Ms. Kelly Krinetz
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Oyster Harbor Lot 18/ 3259 Arundel on the Bay
Modification #10,016, G02013290

Dear Ms. Krinetz:

This office has received application materials for the above referenced project. The applicant proposes to construct a single family dwelling and driveway on a 24,696 square foot lot with disturbance to nontidal wetlands, the 25-foot nontidal wetland buffer, and the 100-foot Buffer which is expanded to include contiguous hydric soils on the property. The site is within the Critical Area and is partially designated as a Resource Conservation Area (RCA) and partially designated as a Limited Development Area (LDA).

Variiances Required

Disturbance to the 100-foot Buffer which is expanded to include contiguous hydric soils

The applicant has requested a modification of the County's prohibition on disturbance within nontidal wetlands and their 25-foot buffer. The proposed project also shows disturbance within the 100-foot Buffer and therefore the project requires a variance to allow disturbance within the Buffer.

In contrast with what is shown on the State tidal wetland maps, the applicant has determined based on a field delineation that the wetlands on the property that will be disturbed are nontidal wetlands and not tidal wetlands. This office provided a letter dated March 20, 2008 to Maryland Department of Natural Resources' Environmental Review Unit (DNR ER) in response to its request for comments on the on the applicant's nontidal wetland determination. We indicated that even if the relevant permitting agencies concluded that the tidal wetlands are actually nontidal wetlands, the applicant would still have to obtain a variance for disturbance within the 100-foot Buffer since the wetlands in question are contiguous with tidal waters. Therefore, the Buffer is expanded to include these contiguous wetlands.

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Based on the fact that the applicant proposes disturbance within the expanded 100-foot Buffer, it seems that the project can not be permitted in the absence of the applicant's receipt of a variance for this disturbance. Therefore, the applicant must apply for and obtain the required variances in addition to the requested modification in order to develop the property as proposed.

Proposed Clearing exceeds County's 30% limit

Anne Arundel County's Critical Area program § 17-8-601(b) prohibits clearing more than 30% of the existing forested area on a property that is larger than one half acre or 21,780 square feet. Lot 18 is 24,969 square feet and larger than one half acre, yet the applicant proposes to clear 68% of the existing 7,167 square feet of forested area on the property. Only 30% or 2,150.1 square feet of clearing is allowed for development of this property under the County's Code. Therefore, it appears that the applicant must obtain a variance to exceed the County's clearing limit. The modification request should not be approved absent receipt of a variance to exceed clearing limits, or a reduction in the amount of clearing.

Additional Information Necessary

In order for this office and the County to adequately review the proposed development, the applicant must provide further information about the property as described below:

- The applicant must provide documentation of MDE's conclusions regarding the applicant's March 2008 assertion that the wetlands on the property are nontidal rather than tidal, since the wetlands are currently identified as tidal on the DNR wetland maps. If MDE does not concur with the applicant's determination that the property's wetlands are nontidal and instead considers the wetlands to be tidal, the 100-foot Buffer will be measured from the edge of the tidal wetlands, which will cover most of the property. Commission staff is available to meet with the applicant and MDE on the site to determine whether the wetlands are tidal or nontidal if necessary.
- The applicant must have MDE permits for the proposed disturbance within the nontidal wetlands (or tidal wetlands, to be determined as described above) and 25-foot nontidal wetland buffer on the site.
- This office reviewed a prior application to the County with reference to lot 18 in September of 2002. At that time, the property owner of lots 15, 16, 17, and 18 proposed to resubdivide those four existing grandfathered lots into three new non-grandfathered lots. In response to this proposal, Lisa Hoerger suggested in her October 10, 2002 letter that the four lots be consolidated into a fewer number of lots based on the existence of the 100-foot Buffer on all of the lots. The applicant should provide information clarifying the result of that 2002 subdivision application to the County. If the subdivision was approved and the lot lines of the grandfathered lot 18 were changed, the resulting lot would be a recently created non-grandfathered lot. This office generally does not support variances that are required for development of newly created non-grandfathered lots. Newly created non-grandfathered lots platted after December 1, 1985 should be recorded so as to be developable in accordance with the Critical Area program requirements in effect at the time the new lot is created.

- The applicant's plan indicates that there is an abandoned 20-foot right of way adjacent to lot 18 that either has been or will be added to lot 18. The applicant must provide documentation of the date and method by which this area was or will be consolidated with lot 18. As described above, any change in the configuration of an existing grandfathered lot may cause the lot to lose its grandfathered status.
- The area of property that is designated as an RCA as opposed to an LDA should be included on revised plans, along with the existing and proposed clearing and impervious area calculations within each area on the property.

Comments on Required Variances

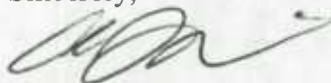
Provided the applicant can submit documentation that the lot is properly grandfathered as requested above, this office would not generally oppose granting a variance for reasonable development of the property with a dwelling. However, Anne Arundel County's variance standards require that the requested variance be the minimum necessary to afford relief from the regulations. Based on the information submitted, it appears that the applicant can make adjustments to the plan that would minimize the extent of the proposed disturbance within the expanded Buffer.

The proposed footprint of the house is approximately 1,750 square feet, which could be reduced. Reducing the footprint of the proposed house would reduce the amount of proposed clearing and disturbance within the expanded Buffer. It appears that the proposed disturbance within the expanded Buffer could be further minimized if the house was located closer to the road. Doing so would allow the applicant to pull much of the house footprint out of the Buffer. Additionally, locating the house closer to the road will allow for a minimized length of driveway to connect the road to the house, which will eliminate some of the lot coverage proposed on the property.

The plans show that disturbance is proposed within the Buffer for one of four proposed rain gardens and for locating a well. We recommend that the applicant relocate the proposed rain garden and well outside of the Buffer if feasible. The Buffer should not be used to accommodate the applicant's stormwater management requirements.

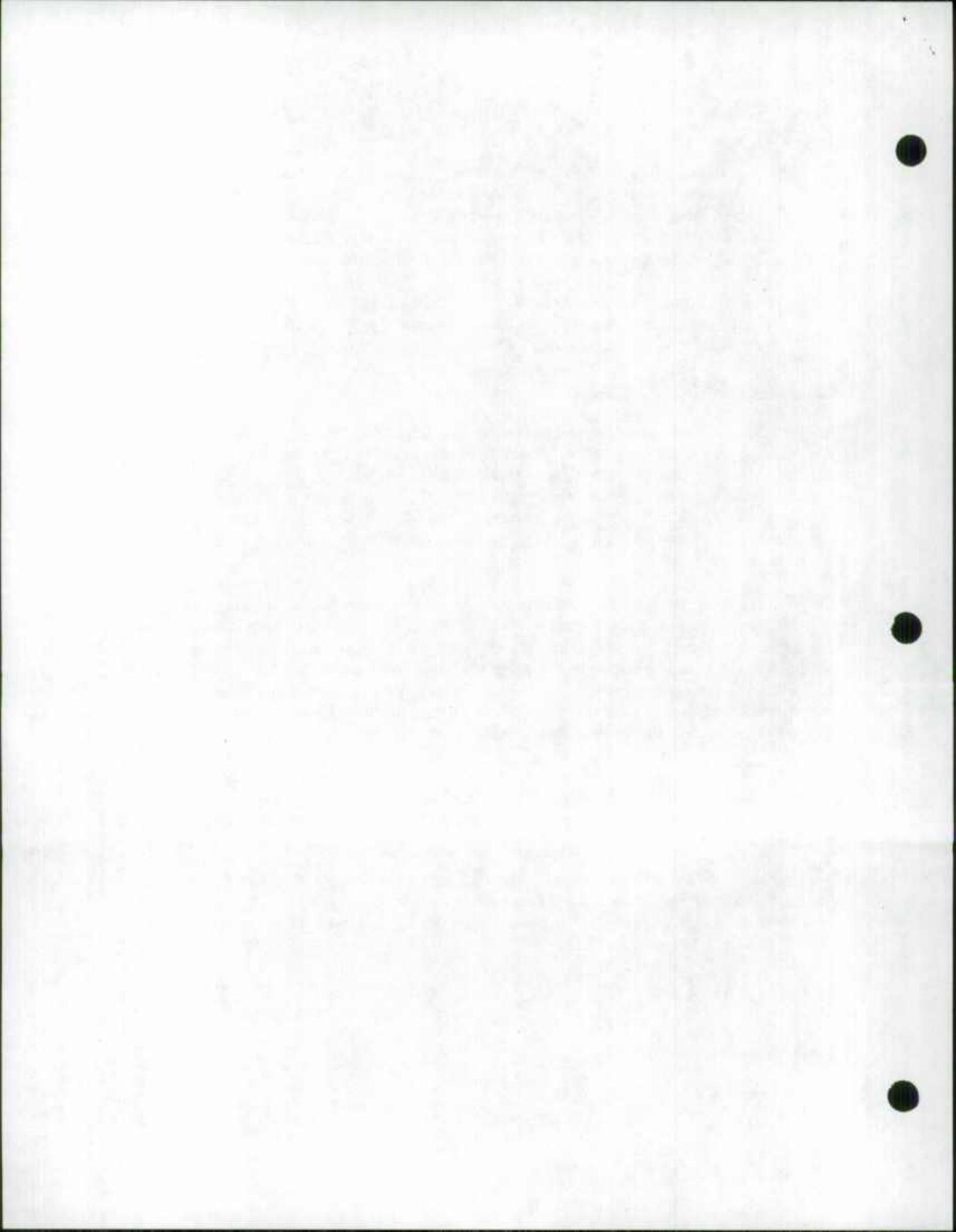
Once the applicant has submitted the requested information and required variance applications as described above, please forward this information to Commission staff. Thank you for the opportunity to review this proposal. If you have any questions, please call me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 609-02



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 29, 2008

Mr. Vivian Marsh
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Holder Property
S 86-322, P 05-012000NF

Dear Mr. Marsh:

I have received additional materials for the above referenced project. The applicant proposes to subdivide an undeveloped 111.68 acre property to create 29 single family lots with construction of a new dwelling and driveway on each lot. 77.53 acres of the property are within the Critical Area with 53.01 acres designated as a Limited Development Area (LDA) and 24.52 acres designated as a Resource Conservation Area (RCA). It appears that the proposed development within the Critical Area is only located within the LDA portion of the property. The majority of this office's comments from my July 7, 2008 letter were not addressed in the most recently submitted plans. Therefore, I have provided these comments in this letter as well, as follows:

1. Please have the applicant provide a current letter from Maryland Department of Natural Resources' Wildlife and Heritage Service (WHS) indicating the presence of any known sensitive species on the property or in the vicinity, and any measures that should be taken for protection of the species from proposed development impacts. The letter that is in the file is from 2003, and this office requires a WHS letter that is no more than two years old.
2. It appears there are some inconsistencies between the Critical Area calculations on different plans. For instance, plat one of five indicates that there are a total of 24.52 acres of LDA on the property. However, under the plat tabulation on plat two of five, there is a note that there are 32.65 acres of LDA just on that plat. Also, plat three of five shows 25.85 acres of LDA on that plat. There is also a conflict between the reported acreage of existing forested area on the property in the Critical Area on different plans. The plat indicates that 30.22 acres are



currently forested in the Critical Area, while the Forest Conservation plan indicates that this number is 26.83 acres. Please have the applicant resolve these inconsistencies.

3. We recommend that the applicant provide fencing or signage to mark the nontidal wetland buffer that abuts the lot lines for proposed lots 1, 3, 4, 6, 11, 17, and 25-29 to provide notice to current and future property owners that no disturbance is allowed within this area.
4. There appears to be a stream in the Critical Area that is shown without the requisite 100-foot Buffer from the edge of the stream banks. It is labeled and shown on the Public Road and Stormdrain Plans as "existing creek to be filled in," but it is labeled as a nontidal wetland with a 25-foot buffer on the plat and development plans. It appears that the stream runs between proposed lots 26 and 28, between lots 6 and 7, and between lots 25 and 28. If this water feature is a perennial or an intermittent stream, it qualifies as a tributary stream in the Critical Area which requires a 100-foot Buffer and the proposed plans should be amended accordingly. Also, it appears that the proposed lots that are adjacent to the stream may need to be reconfigured so that the lot lines are not in the 100-foot Buffer.
5. We note that on sheet 3 of 9 of the final development plans, there is proposed disturbance from grading and clearing for a stormdrain within the 100-Buffer to a stream in the Critical Area. The applicant must show that mitigation plantings have been provided for this area of Buffer disturbance at a 2:1 ratio.
6. Most of the proposed open space areas in the Critical Area are shown as existing and proposed forest conservation easement areas. It is unclear what the proposed use of these areas will be. They should be limited to passive recreation which does not require any cutting or clearing within these areas, and no structures or impervious surfaces may be located in the open space areas. Please confirm that this will be the case, and provide a notation on the plat and plans to this effect. We note that a 0.17 acre section of proposed open space area I is labeled as a passive recreation area, but none of the other open space areas are labeled with a use. Please clarify how the proposed use of the 0.17 acre section is different from the other open space areas.
7. The applicant's materials indicate that all 3.68 acres of the allowable lot coverage for the LDA will be developed. However, the plans only show the proposed lot coverage for the lots, which is approximately two acres. Please provide information as to how the remainder of the 3.68 acres will be developed as lot coverage within the subdivision.

Mr. Marsh
July 29, 2008
Page Three

8. Please provide the total area within the subdivision that will be placed in an easement on the plat and plans. Also, please clarify whether all of the proposed reforestation areas and the existing easement areas will be placed in an easement.
9. The subdivision plat must contain information regarding existing and proposed lot coverage. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Anne Arundel County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that;
 - a) The approved development plan remains valid in accordance with Anne Arundel County's procedures and requirements; and
 - b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Anne Arundel County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

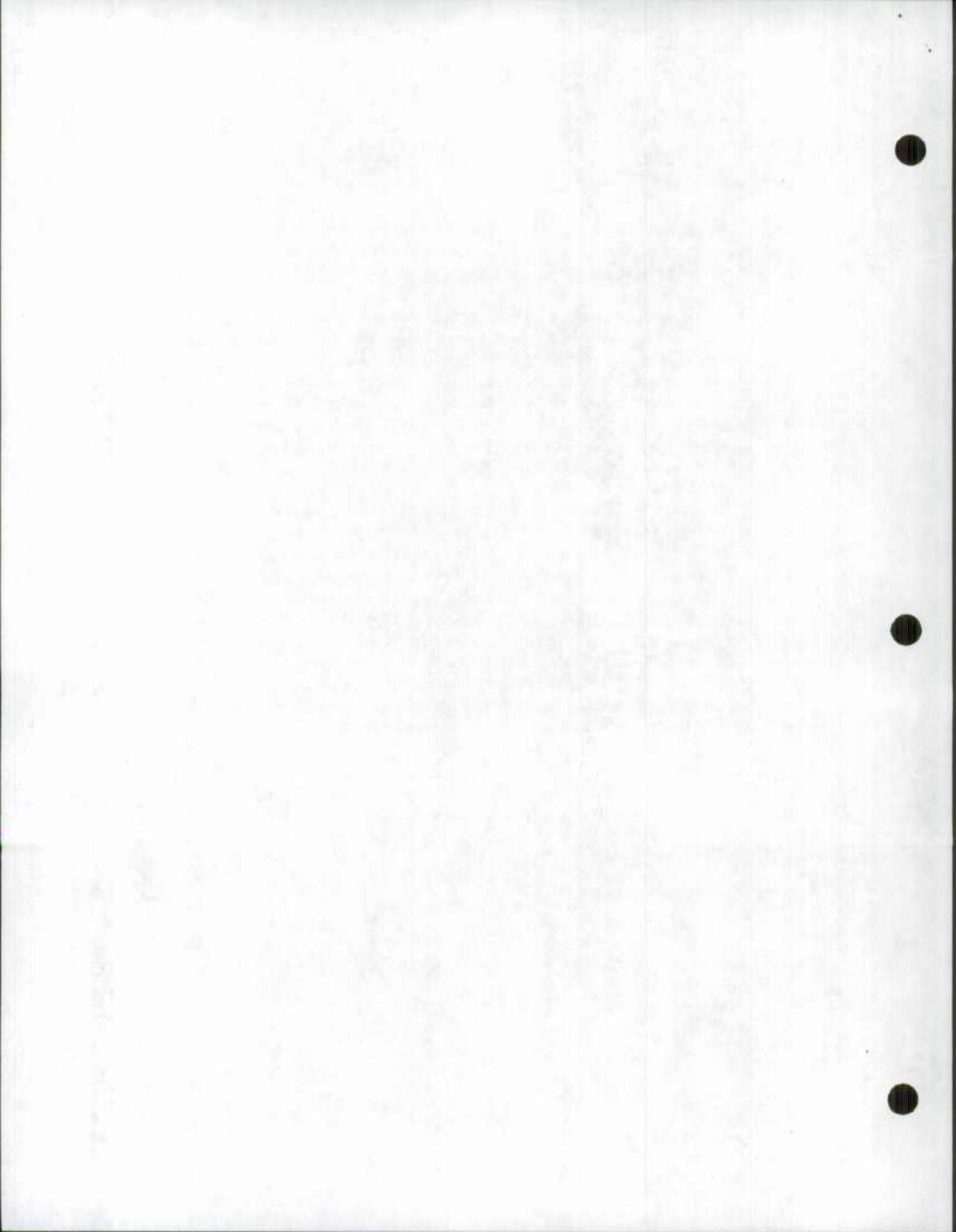
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 323-03



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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www.dnr.state.md.us/criticalarea/

July 30, 2008

Mr. John Swartz
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: BP# 65187 Crane

Dear Mr. Swartz:

I have received additional information on the above referenced building and grading permit application. The applicant is requesting a permit to construct two single family dwellings with garages, driveways and septic systems on two existing parcels with a total of 53.06 acres. The 3.65 acre parcel is completely in the Critical Area and is designated as a Resource Conservation Area (RCA). A 16.23 acre portion of the 49.42 acre parcel is within the Critical Area and is designated as RCA. The proposed development on the 49.42 acre parcel is entirely within the Critical Area. Both properties are currently undeveloped. I have provided my comments below:

- 1) As we discussed at our meeting last month, the applicant has met the guidelines for development within Forest Interior Dwelling Bird (FIDs) habitat provided in A Guide to The Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area. Therefore, the resulting mitigation requirement is replacement of the forest area to be cleared at a 1:1 ratio. The applicant can address this mitigation requirement by providing the required area of plantings in an offsite location adjacent to a permanently protected area of FIDs habitat that is 50 acres or larger. The planting area that is provided must be placed in an easement that will prohibit future cutting and clearing and will restrict locating structures or impervious surfaces in this area. Alternatively, the applicant can address the FIDs mitigation requirement through payment into the County's FIDs habitat fee-in-lieu program.
- 2) The Maryland Department of Natural Resources' Wildlife and Heritage Service (WHS) confirmed in a July 27, 2008 email to Commission staff that there is no suitable habitat for the state threatened plant *Rhynchosia tomentosa* that has been identified in the vicinity of the property. WHS has no further comments on the project.
- 3) Please include on future plans the area of existing forest on the two properties that is within the Critical Area.

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Mr. Swartz
July 30, 2008
Page 2

- 4) We note that there is not enough RCA acreage available for additional development or subdivision of either the 3.65 acre parcel or the 16.23 acre portion of the 49.42 acre parcel that is within the Critical Area. Please have the applicant include a notation on the plat to that effect.

Thank you for the opportunity to provide comments on this building and grading permit. Please call if you have any questions at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resource Planner
CA476-06

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 30, 2008

Ms. Courtney Wilson
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Wagner Power Plant Improvements
Site Plan # 08-0028-00NC, G 02013401

Dear Ms. Wilson,

I have received revised information on the above-referenced site plan for review and comment. The applicant proposes to construct an equipment enclosure on existing impervious surface, to excavate a grass slope and install a clay liner in an oil containment area, and to construct grass channels for stormwater management. 173.2 acres of the 483.769 acre property are within the Critical Area and the majority of the Critical Area portion of the property is designated as an Intensely Developed Area (IDA). The property is currently developed as a power plant and the proposed modifications to the plant will accommodate a new SNCR NO_x abatement unit. All of the 1.87 acres within the limits of disturbance for the plant modifications described above are within IDA.

As requested, the applicant has provided the 10% pollutant removal calculations for the project. The pollutant removal requirement is 1.00 pound of phosphorus per year and this requirement is addressed by the proposed dry swales that will remove 1.23 pounds of phosphorus per year.

The applicant has addressed this office's comments from my May 9, 2008 letter and I have no further comments on the project at this time.

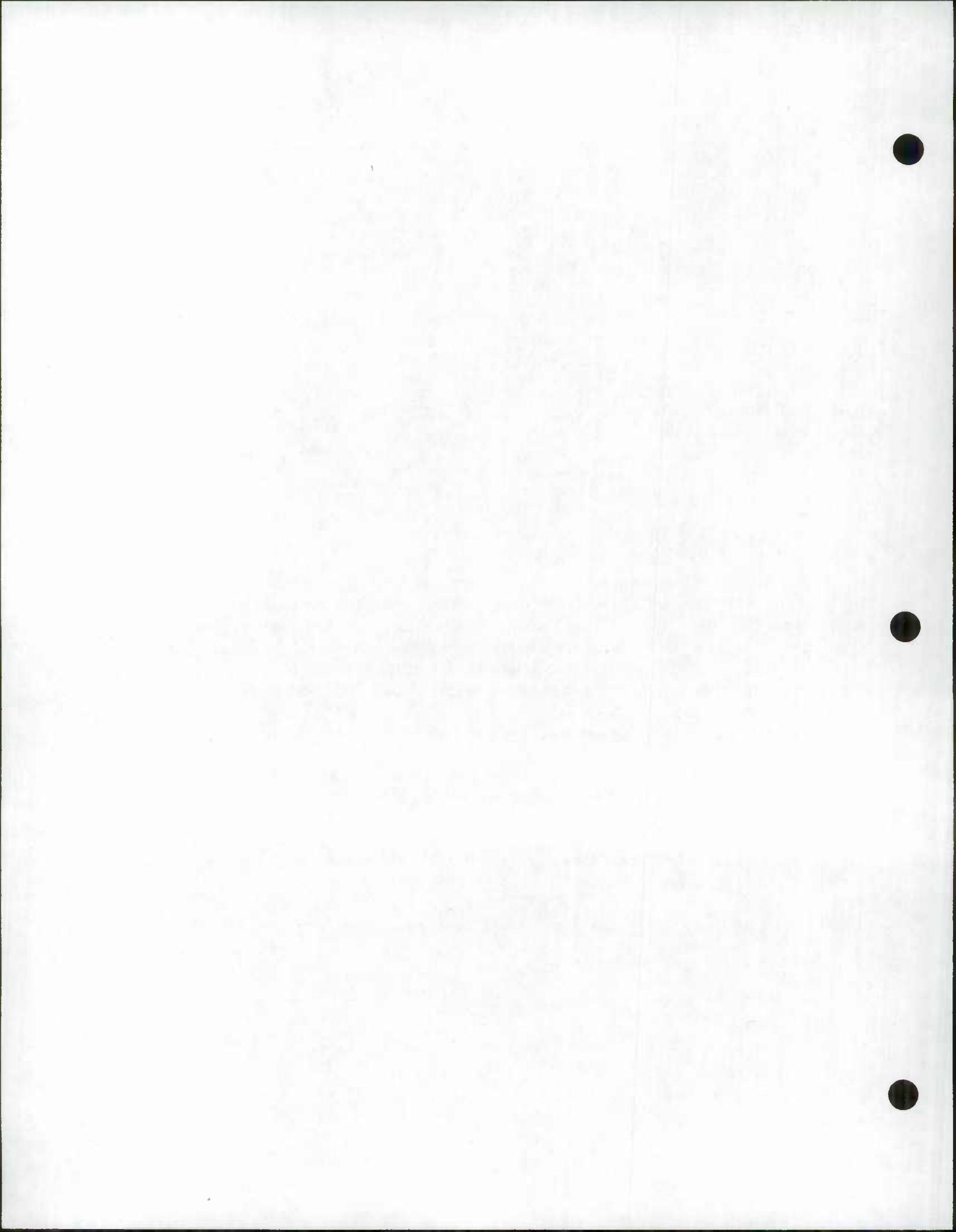
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 267-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 30, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hidden View Farm
S 93-168, P 07-0156

Dear Mr. Burke:

Thank you for forwarding the above-referenced subdivision application. The applicant proposes to subdivide two existing parcels to create a total of five lots. 52.14 acres of the 100.67 acre property are within the Critical Area and are designated as a Resource Conservation Area (RCA). The property is currently developed with an access road and three dwellings, two of which are within the Critical Area. The applicant proposes to construct two new dwellings outside of the Critical Area, which requires expansion of the existing access road within the Critical Area. The applicant has addressed most of this office's comments from my October 30, 2007. I have outlined my remaining comments below:

- 1) According to our records, most of the forested area on the property is habitat for Forest Interior Dwelling Birds (FIDs). Therefore, the applicant must submit a FIDs Conservation Worksheet that quantifies the proposed FIDs habitat loss and resulting FIDs mitigation requirement for the road expansion and other clearing within the Critical Area. The applicant should consult the Critical Area Commission's guidance document, "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" which is available on the Commission's website. Of the total FIDs mitigation requirement for the project, an area equal to at least the area of proposed FIDs habitat clearing must be provided as FIDs habitat plantings. These plantings can be provided onsite or offsite in a location that is adjacent to an existing permanently protected FIDs habitat area that is at least 50 acres. The FIDs planting area must be placed in a conservation easement which will prohibit cutting or clearing within the planting area and prevent location of structures or impervious surfaces within that area.

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Mr. Burke
July 30, 2008
Page 2 of 2

- 2) The applicant has received the required variance to disturb the expanded Buffer to expand the existing road to accommodate the proposed new lots. This Buffer disturbance must be mitigated with plantings at a 3:1 ratio. As described above, an area equal to the area of clearing within the Buffer must be provided as FIDs habitat plantings on or offsite, since the area of disturbance within the expanded Buffer for the road expansion is also FIDs habitat which will be cleared. If the remaining portion of the 3:1 Buffer mitigation requirement can not be addressed with plantings on the property or in an offsite planting area, it can be addressed by payment into the County's fee in lieu program.
- 3) The applicant proposes to partially mitigate for the proposed clearing onsite with 11,891 square feet of plantings. Please have the applicant demonstrate that the proposed plantings will create new FIDs habitat if they will be used to address part of the total FIDs mitigation requirement.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AA 534-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 1, 2008

Mr. Jimmy Sharp
Wicomico County
Department of Planning, Zoning, and Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: Whitetail Subdivision, Plat Revision

Dear Mr. Sharp:

Thank you for forwarding the above mentioned revised plat. The purpose of the plat revision is to add an access easement along the shared boundary of lots 2A and 3A for access to a proposed shared pier. This is consistent with what was discussed during a site visit to the property with staff from the County, Commission, National Marine Fisheries Service (NMFS) and Maryland Department of the Environment (MDE).

We note that there is an incorrect notation on the plat indicating that there are no Habitat Protection Areas on the site, when in fact, a Wetland of Special State Concern (WSSC) and an anadromous fish spawning area, which are both Habitat Protection Areas, are within and adjacent to the property. Therefore, the incorrect plat note must be removed before the plat is finalized. Also, we recommend that the plat include a note stating that no disturbance within the Buffer is allowed for cutting, clearing, grading, or locating structures or impervious surfaces, with the exception of the two piers, one to be shared by lots 8A and 9A, and one to be shared by lots 2A and 3A. It is this office's understanding that the property owner has received the necessary local and State permits for the proposed piers. The property owners must also provide mitigation plantings for the area of disturbance within the Buffer for the piers at a 2:1 ratio. Buffer disturbance includes the area of the footprint of structures, cutting or clearing, grading, or impervious surfaces.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

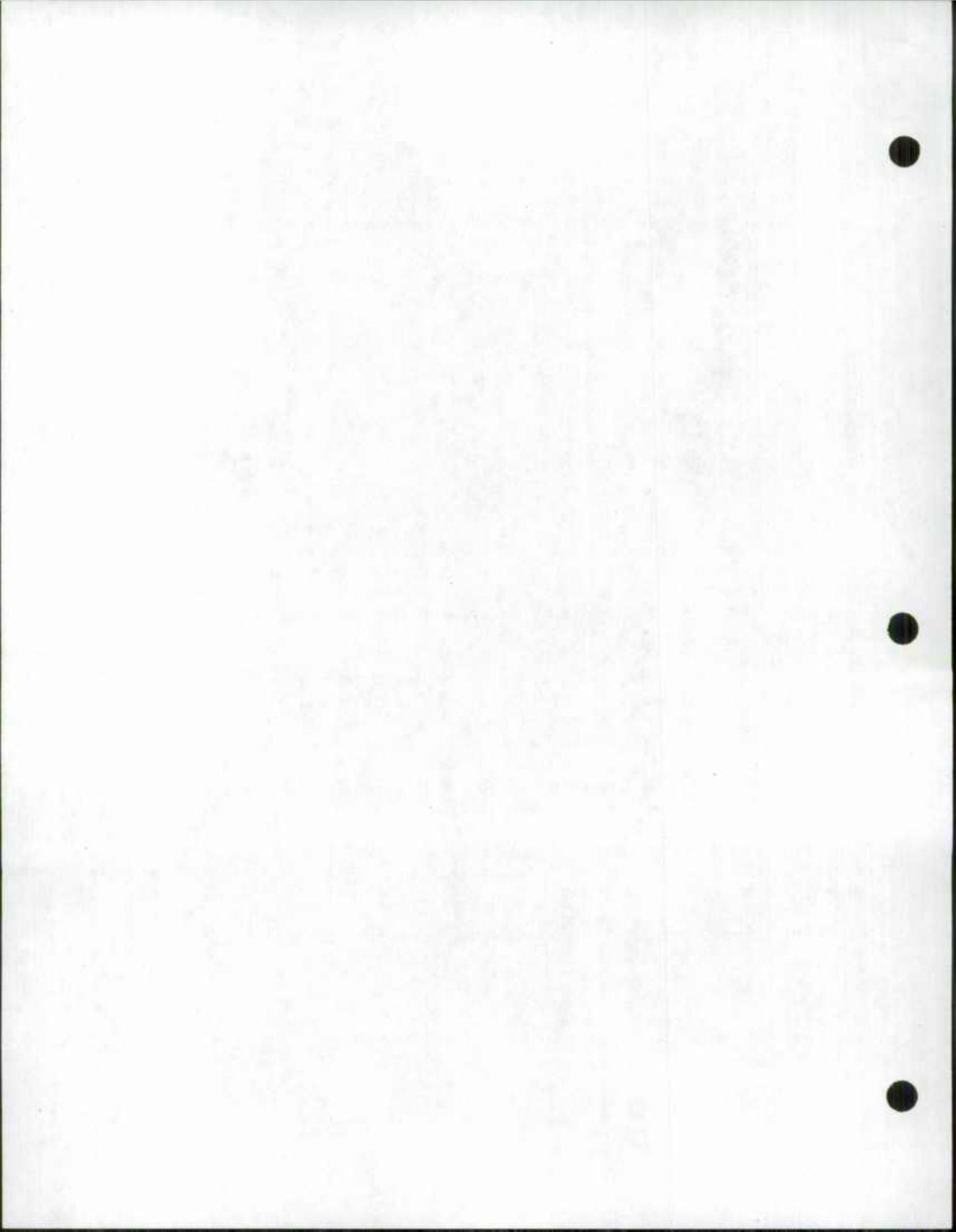
Amber Widmayer
Natural Resources Planner

cc: WI 208-06

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Martin O'Malley
Governor

Anthony G. Brown
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Margaret G. McHale
Chair

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Executive Director

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August 1, 2008

Neal Welch
Maryland Department of Natural Resources
Program Open Space, E-4
580 Taylor Avenue
Tawes State Office Building
Annapolis, MD 21401

Re: Sandy Point State Park, sewer and water line installation
Anne Arundel County

Dear Mr. Welch:

Thank you for forwarding the above-referenced project proposal. The project site is in the Critical Area and is considered an area that is Intensely Developed based on the existing surrounding development which is parking lots, a road and several buildings. The proposed project is the installation of sewer and water lines to serve proposed Natural Resources Police buildings that are outside of the Critical Area. Installation of the utility lines will be done by trenching in an open grass area and no clearing is required. Once the lines are installed, the area will be restored and seeded with grass.

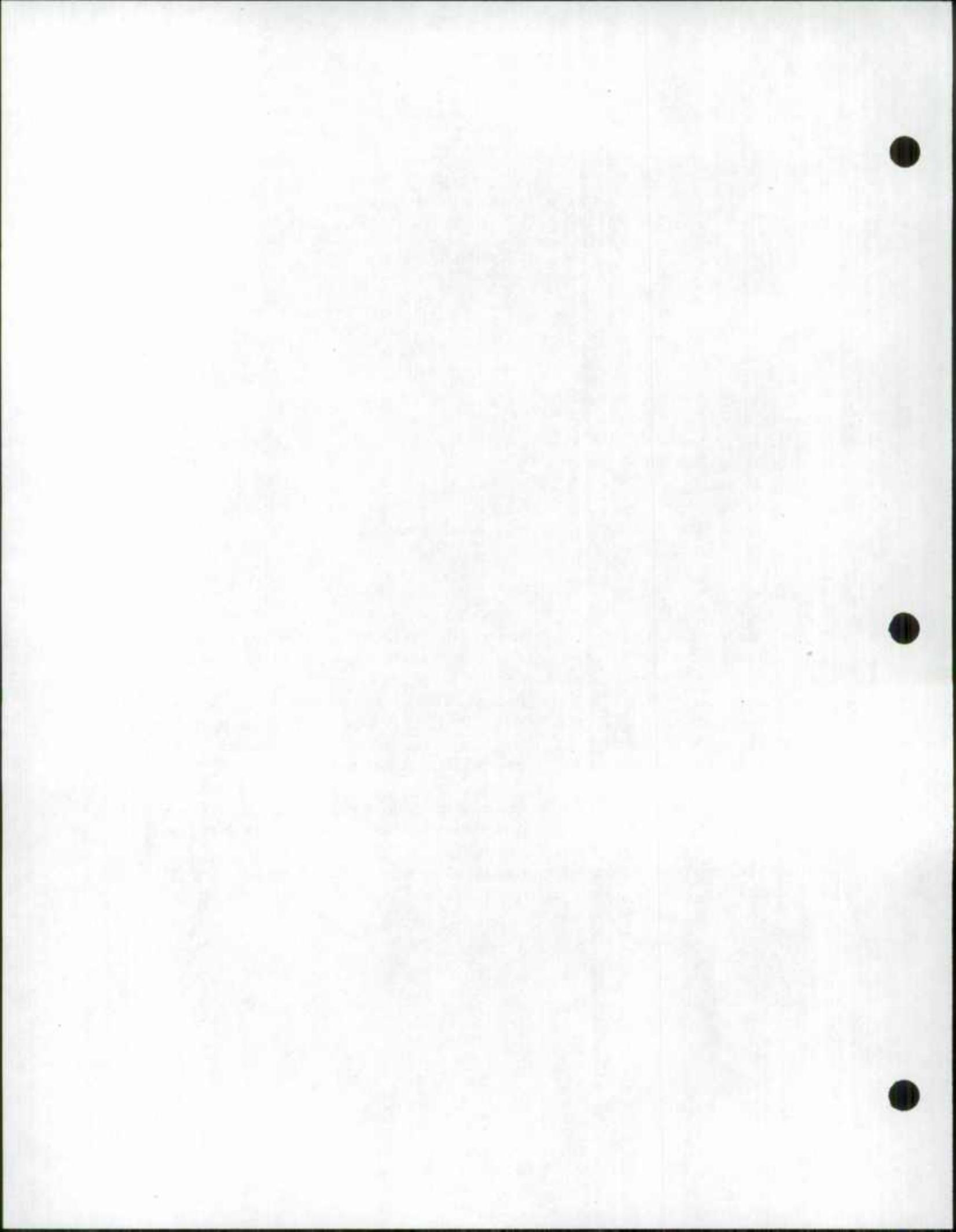
This temporary disturbance within the Critical Area does not require approval by the full Commission and this office has no further comments on the proposed project at this time.

Thank you for providing the project for our review. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'AWidmayer'.

Amber Widmayer
Natural Resources Planner



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 4, 2008

Mr. Dan Beverungen
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: River Glen
S 07-019, P 07-0128

Dear Mr. Beverungen:

Thank you for forwarding the above-referenced subdivision application. The applicant proposes to subdivide an existing 13.10 acre parcel into eight new lots with construction of a single family dwelling and driveway on each lot. 3.24 acres of the property are within the Critical Area with 0.39 acres designated as Resource Conservation Area (RCA) and 2.85 acres designated as Limited Development Area (LDA). The Critical Area portion of the property is currently undeveloped, and within this area, the applicant proposes to create three lots with three new dwellings, driveways and septic systems. Also, a portion of a proposed active recreation area is within the Critical Area. The applicant has addressed this office's comments from my April 8, 2008 letter and I have outlined my remaining comments below:

- 1) It appears that some of the required mitigation plantings for the proposed clearing within the Critical Area will be provided onsite within the proposed forest conservation easement in the RCA. This planting area should be quantified and the applicant should indicate how the remaining reforestation mitigation requirement will be addressed. Also, we note that the applicant currently proposes to clear just over 20% of the existing forested area in the Critical Area so reforestation mitigation must be provided at a 1.5:1 ratio for the total area cleared. Alternatively, if the proposed clearing can be reduced to 20% or less, the 1:1 mitigation ratio will apply.

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- 2) Please have the applicant clarify whether the proposed septic areas within the existing forested areas on the Critical Area lots were included in the clearing calculations. Also, we recommend that the septic area that is partially within the proposed conservation easement area on lot 4 be reconfigured so that it is outside of that easement area.
- 3) There are notes under the Critical Area Computations table that indicate the allowable impervious area on the property is 85,595 square feet. It appears that this number was calculated as 15% of the whole property area including the portion of the property that is not in the Critical Area. However, the 15% limit is correctly calculated as 15% of the Critical Area portion of the property, which is 0.486 acres of the 3.29 acres of Critical Area on the property. Please have the applicant correct this note accordingly.
- 4) Please have the applicant confirm that the proposed lot coverage in the Critical Area is limited to what is shown in the Critical Area Computation table on sheet 2 of 9 as coverage within the proposed lots. For instance, a portion of the proposed active recreation area is also within the Critical Area. If any lot coverage is proposed in this area, it should be included in the lot coverage calculations.
- 5) The subdivision plat must contain information regarding existing and proposed lot coverage. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Anne Arundel County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that;
 - a) The approved development plan remains valid in accordance with Anne Arundel County's procedures and requirements; and
 - b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Anne Arundel County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

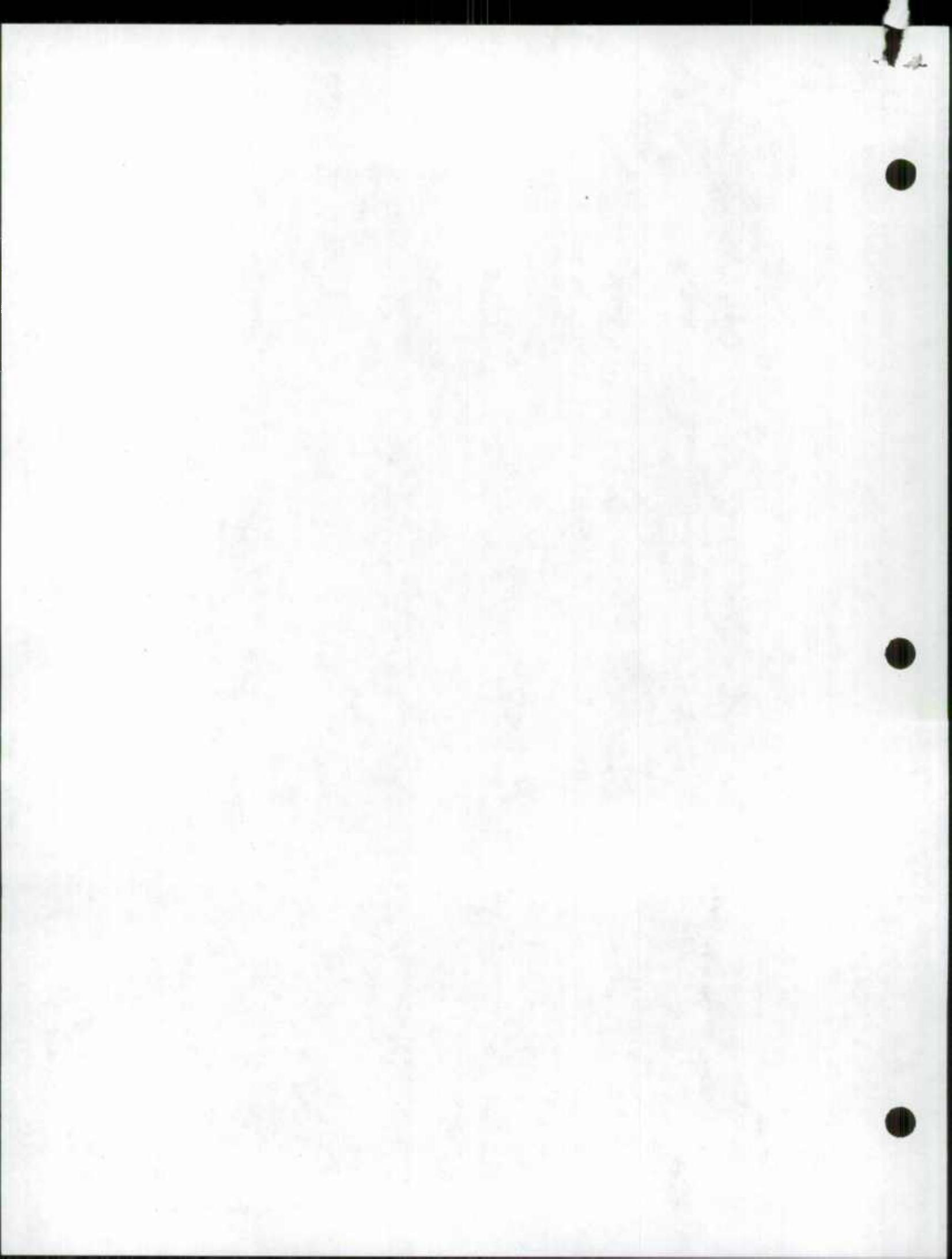
Mr. Beverungen
August 4, 2008
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AA 147-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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August 6, 2008

Mr. John Swartz
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Calvert Cliffs Critical Area soil borings

Dear Mr. Swartz:

Thank you for your request for information on the recommended application of the time of year restrictions on the applicant's proposed soil borings within the Critical Area portion of the Calvert Cliffs Nuclear Power Plant property which is within Forest Interior Dwelling Bird (FIDs) habitat. It is this office's understanding that the applicant must obtain a County grading permit to conduct the proposed soil borings within the Critical Area, and that the proposed soil boring project is considered separate from the proposed construction of a third nuclear power generator on the same property which is being reviewed by the full Commission.

Based on the information you provided to LeeAnne Chandler, the Commission's Science Advisor, there are five species of FIDs that have been documented in the vicinity of the proposed soil boring locations. It is my understanding that four of these five species' nesting seasons will conclude as of August 5th and that the fifth FIDs species is finished nesting as of August 15th. This fifth species is not one that is particularly sensitive to disturbance and according to the FIDS report it is likely that any nests for this species are located elsewhere on the site since only one male bird from this species was documented in the vicinity of the proposed soil borings.

Consequently, it appears that if the soil borings are done after August 5th there will be minimal disturbance to the nesting of the species of FIDs that have been documented in the vicinity of the proposed boring sites. Therefore, this office is comfortable with the

Mr. Swartz
August 6, 2008
Page 2 of 2

County granting the applicant the required permit to conduct the proposed soil borings in the Critical Area of the Calvert Cliffs property as of August 7th, 2008.

Thank you for the opportunity to comment on the proposed project. Feel free to call me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'AWidmayer', written in a cursive style.

Amber Widmayer
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

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August 7, 2008

Ms. Bobbie Hutchison
Calvert County
Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Skipjack Quay Townhomes

Dear Ms Hutchison:

Thank you for forwarding revised information regarding the above-mentioned proposed project. It appears that the applicant proposes to combine two existing parcels and construct 18 townhomes on the resulting 2.64 acre property. The property is currently developed with a pier, two dwellings which will be removed, and several structures in the Buffer that the applicant proposes to renovate, including a boathouse, road, patio, steps and retaining wall. The property is within the Critical Area and is designated as an Intensely Developed Area (IDA). The applicant has addressed this office's comments from my April 15, 2008 letter. I have provided my remaining comments below:

- 1) We note that the applicant has indicated that completion of the requested 10% calculations is underway. Please have the applicant submit these calculations to this office for review upon their completion. Additionally, the applicant should show on the plans how the resulting pollutant removal requirement will be addressed on the site, including specifications of any proposed stormwater treatment devices.
- 2) We note that as requested, the applicant proposes to use native species of plantings on site. Please have the applicant submit a planting plan with the next submission.
- 3) The applicant proposes to reconstruct the existing gravel road that is within the Buffer as a 12-foot asphalt road. Additionally, the applicant proposes to renovate the existing boathouse, patio, retaining wall, and steps that are located in the Buffer. When redevelopment of a property is proposed such as this which converts a single-family residential use to a more intensive multi-family use, the Critical Area Criteria require the County and applicant to bring the parcel or lot into conformance with the existing law in so far as possible. Such conformance is required by both the County and State Criteria as follows:

- COMAR 27.01.02.03.D(2) and Calvert County Code 8-1.03.F.1 provide that within the Intensely Developed Areas, development and redevelopment shall be subject to the State and County habitat protection criteria.
 - o COMAR 27.01.09.01.C(2) states, "new development activities, including structures, roads, parking areas, and other impervious surfaces, mining and related facilities, or septic systems, are not permitted in the Buffer, except for those necessarily associated with water-dependent facilities, as set forth in Regulations .04 of this chapter.
 - o Calvert County Code 8-1.08.D.3.f provides, "Grading or disturbance in the Buffer, without tree removal, is only allowed for erosion control or to enhance the Buffer function."
- Both the State Criteria and the County Critical Area Program limit the property to a single point of access to the water-dependent facility.
 - o COMAR 27.01.03.07(A)(4) "Disturbance to the Buffer is the minimum necessary to provide a single point of access to the facilities."
 - o 8-1.08.D.3.c "No more than one access through the Buffer is permitted per waterfront lot. A four-foot-wide access is allowed if the access is for steps or a pathway; or a 12-foot-wide access is allowed for vehicular access."
- Calvert County Code removes the grandfathered status of an existing nonconforming use if that use is expanded or intensified. "If any existing use does not conform with the provisions of the County Critical Area Program, its intensification or expansion may be permitted only in accordance with the procedures outlined in the Ordinance." Calvert County Code 8-1.07.A

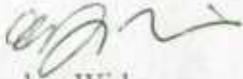
In summary, the proposed project will remove the existing two single family dwellings and replace them with 18 multifamily dwelling units. This is a redevelopment activity which must comply with the State and County habitat protection criteria which prohibit structures and other impervious surfaces from being located in the Buffer on a newly developed or redeveloped property. COMAR 27.01.02.03.D(2), COMAR 27.01.09.01.C(2). The only permitted uses of the Buffer are water-dependent uses, for which there may be only one point of access. COMAR 27.01.09.01.C(2), COMAR 27.01.03.07(A)(4), Calvert County Code 8-1.08.D.3.c. Therefore, at this time, the applicant must remove either the walkway or the road through the Buffer for the proposed redevelopment to be in conformance with the existing laws.

The applicant may not redevelop the road and the steps as proposed because they are accessory uses that were constructed to serve the inhabitants of two dwellings. Redevelopment of these structures such that they may serve the inhabitants of 18 dwellings is not allowed it is the proposed intensification of a use which will remove the nonconforming development's grandfathered status. Similarly, the existing patio should be removed because when the property is redeveloped it is not permitted as a water-dependent facility or a shoreline erosion control structure and redevelopment of the patio to serve a nine-fold increase in human activity is intensification of the use which is expressly not permitted under the County's grandfathering policy.

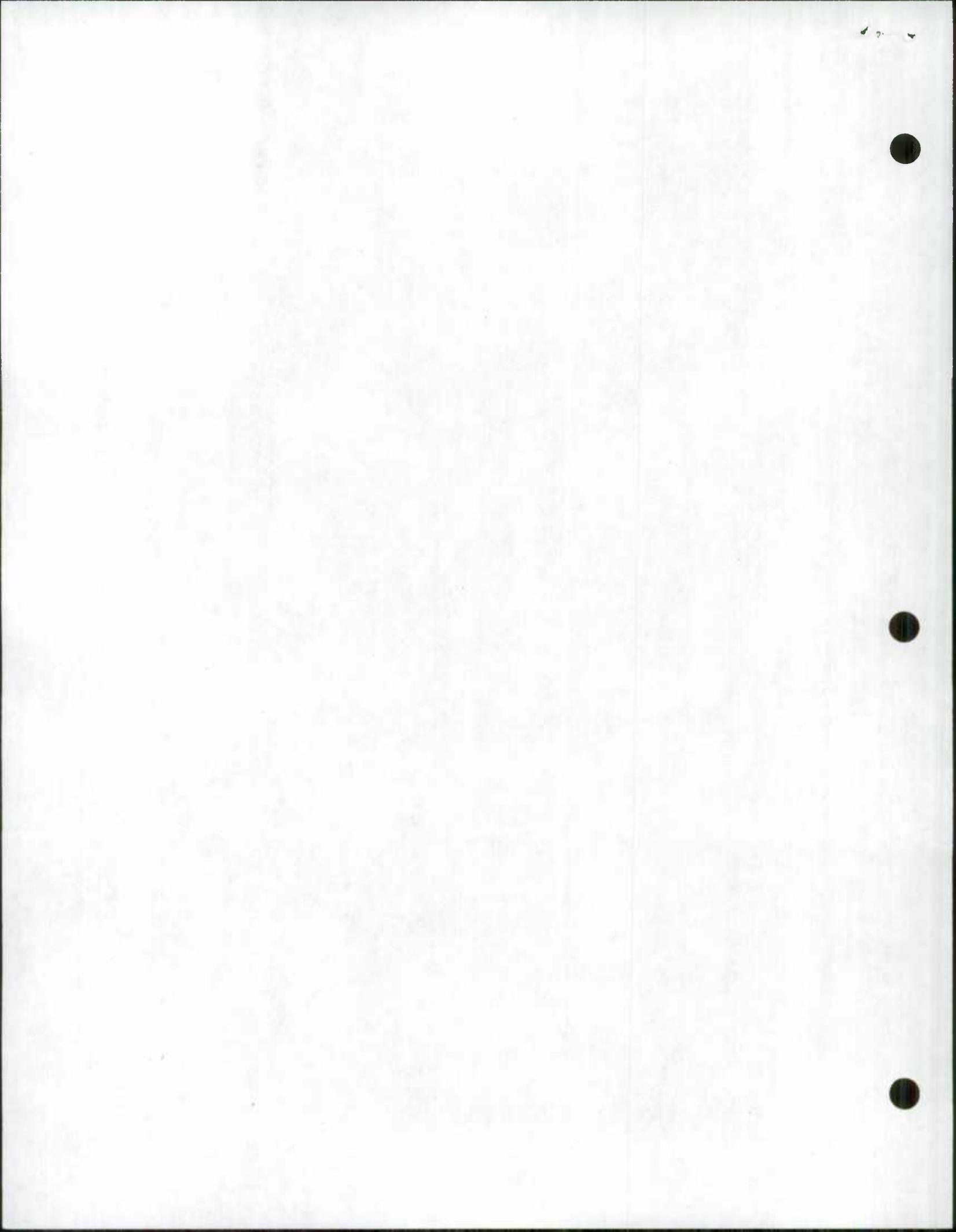
Ms. Hutchison
August 7, 2008
Page Two

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resources Planner
CA 653-06



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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August 8, 2008

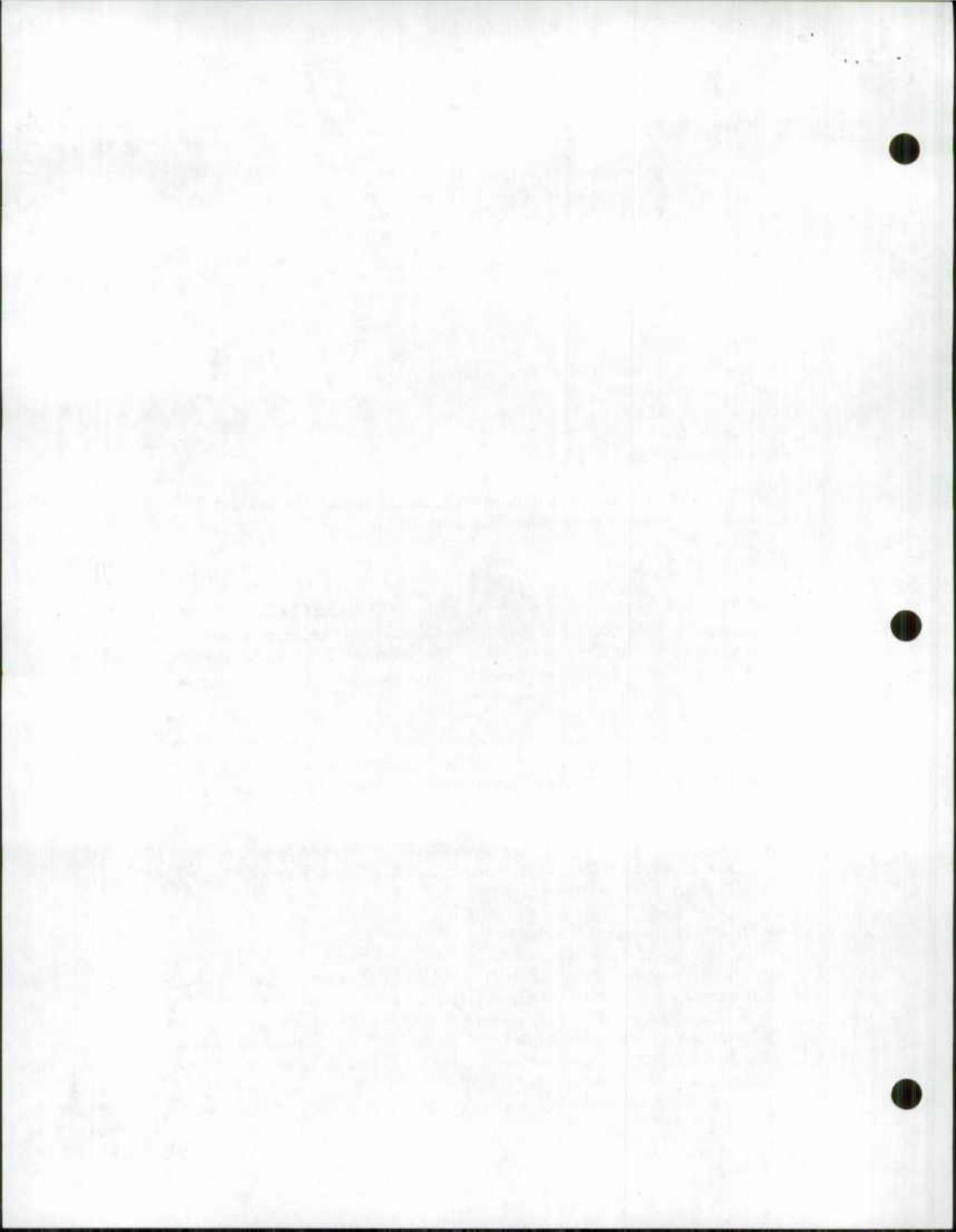
Ms. Susan Gray
Maryland Department of Natural Resources
Power Plant Research Program
Tawes State Office Building
580 Taylor Avenue, B-3
Annapolis, Maryland 21401

Rc: Notification of Critical Area Commission Action on Request for Approval of Calvert Cliffs Nuclear Power Plant Expansion Project

Dear Ms. Gray:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On August 6, 2008, the Critical Area Commission approved, with conditions, UniStar's proposal to the Public Service Commission (PSC) to expand the existing Calvert Cliffs Nuclear Power Plant by constructing a third nuclear power generation unit. This approval is subject to the following conditions:

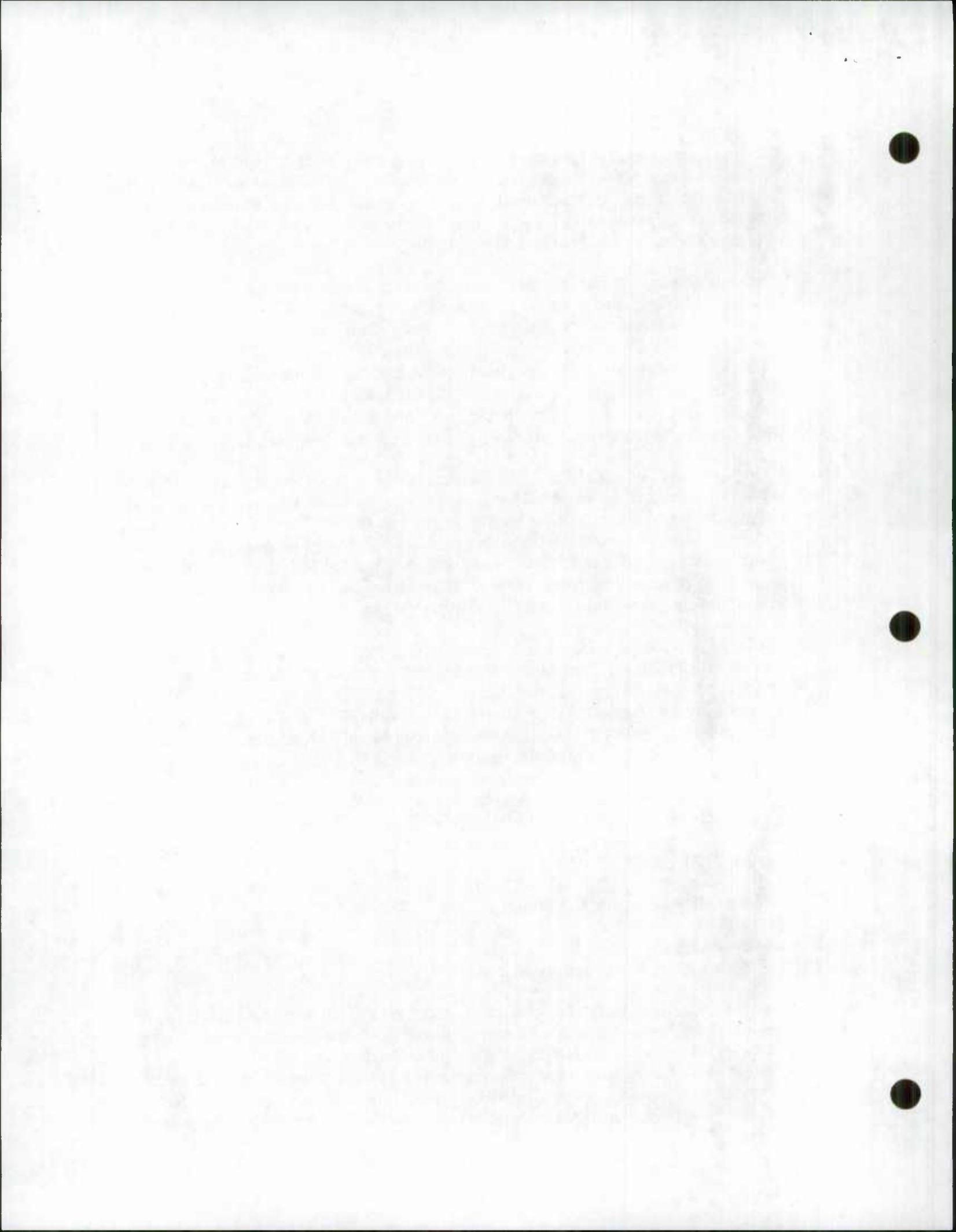
1. The applicant may not create any disturbance within the Critical Area including cutting, clearing or grading for site preparation until a Mitigation Plan is approved by the Commission staff. The Mitigation Plan must include the size, number, spacing and type of species to be provided, and adequate provisions for survivability and maintenance of the plantings. With the exception of the proposed 7.5 acre and 3.8 acre planting areas on site, the mitigation plantings must be provided and established no later than one planting season after the commencement of site preparation activities including cutting, clearing and grading in the Critical Area.
2. Prior to commencement of disturbance from site preparation by cutting, clearing or grading within the Critical Area, both of UniStar's conservation easements will be submitted to Commission staff and will be finalized. The easements shall provide (1) protection of 63.4 acres of existing Forest Interior Dwelling Birds (FIDs) habitat on the Calvert Cliffs Nuclear Power Plant property in the Critical Area; and (2) a 6.64 acre off-site Critical Area Buffer at the Battle Creek property or a similar property on which Buffer plantings will be provided. The easements shall be held by an appropriate environmental trust or governmental entity.



3. Prior to commencement of site clearing and grading activities in the Critical Area, UniStar shall initiate the planting of native tree species in a 16.4-acre area of cleared field located in the Critical Area to the north of the Project area, as described in the Mitigation Plan. Mitigation plantings in this area will be completed no later than one planting season after the site clearing and grading activities begin.
4. Upon establishment of final grades and cessation of disturbance in the Critical Area, UniStar shall create approximately 7.5 acres of forested wetland, plant approximately 3.8 acres of upland forest, and restore/enhance streams in the Critical Area, in accordance with the Mitigation Plan approved by Commission staff. The plantings in the 3.8 acre and 7.5 acre planting areas shall be completed no later than the first planting season after establishment of final grades and cessation of disturbance in the Critical Area. The stream restoration/enhancement project shall disturb no more than 2.3 acres, shall not exceed a width of 50', and shall replace trees cleared from the stream corridor at a ratio of 1:1.
5. If the proposed third unit at Calvert Cliffs Nuclear Power Plant does not receive all of the required State and federal approvals or does not become operational for any reason, and if any disturbance of the Critical Area has occurred on site, UniStar shall plant the area disturbed onsite, and in addition, provide a portion of the Mitigation Plan plantings based on the amount of Buffer and FIDs habitat disturbance that has been created from clearing, grading, structures or impervious surfaces. The planting and additional mitigation shall be accomplished in accordance with the Mitigation Plan.
6. The Initial Recommended Licensing Conditions proposed and filed on July 16, 2008, by the Power Plant Research Program of the Maryland Department of Natural Resources (PPRP conditions) for incorporation into a Certificate of Public Convenience to be issued to UniStar by the Maryland Public Service Commission (PSC), as may be modified and approved by final order of the PSC, are incorporated herein by reference, and are made conditions of the Critical Area Commission's approval. 15 of the most relevant conditions addressing the proposed project impacts in the Critical Area are set forth below. Because the Commission understands that the PPRP conditions may be modified or supplemented in the course of the PSC proceedings, the Commission accepted the Panel's recommendation that the Commission's approval be construed as incorporating the final PPRP conditions as approved by PSC.

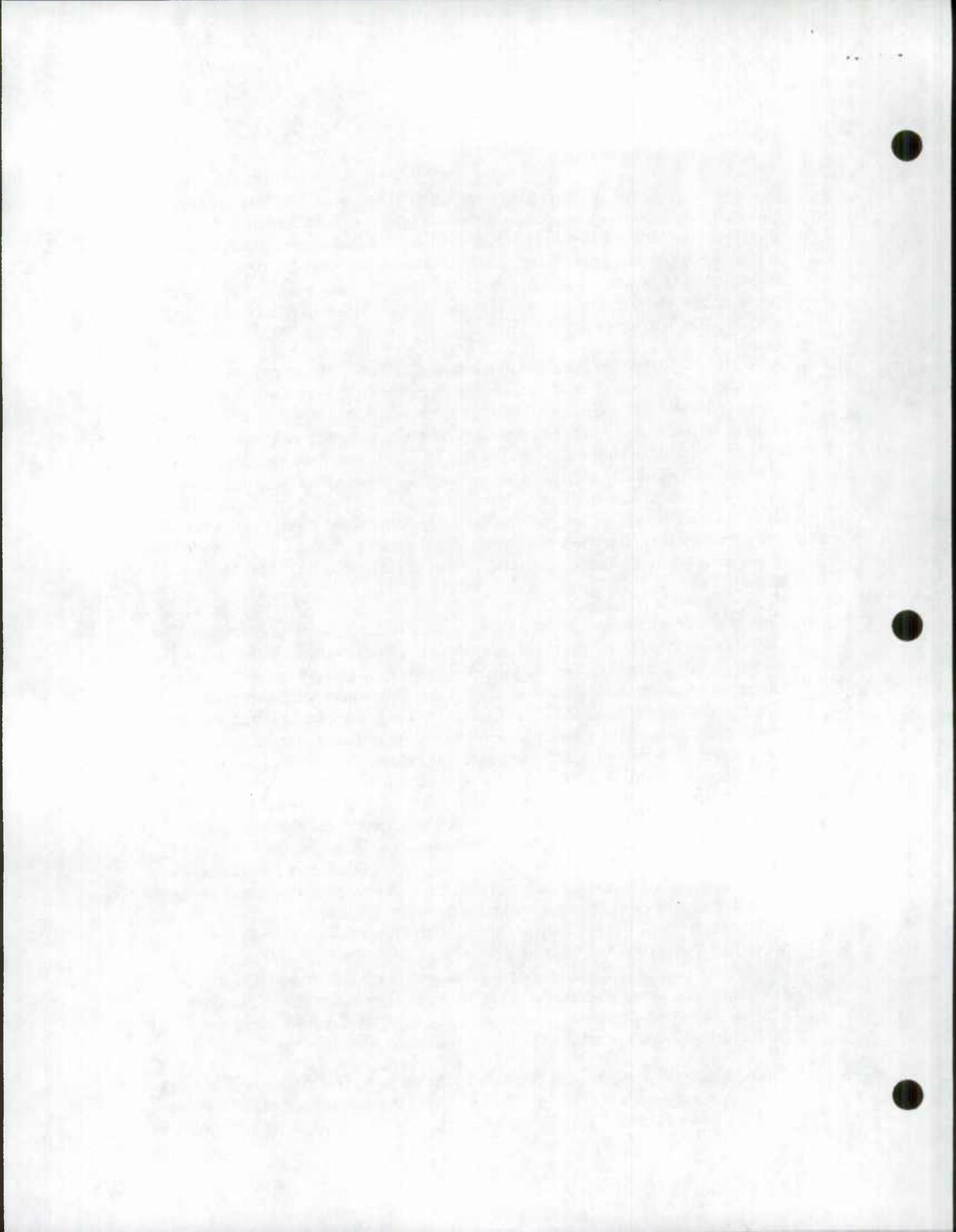
Initial Recommended Licensing Conditions
PSC Case No. 9127
UniStar Nuclear Energy, LLC
As Filed by State of MD PPRP on July 16, 2008

- Prior to construction, UniStar shall submit to the Maryland Historical Trust (MHT) a copy of training programs, or guidelines provided to applicant inspectors or contractors, to identify and/or protect unforeseen archeological sites that may be revealed during construction of the project. If such relics are identified in the project area, UniStar, in consultation with and as approved by MHT, shall develop and implement a plan for avoidance and protection, data recovery, or destruction without recovery of the properties



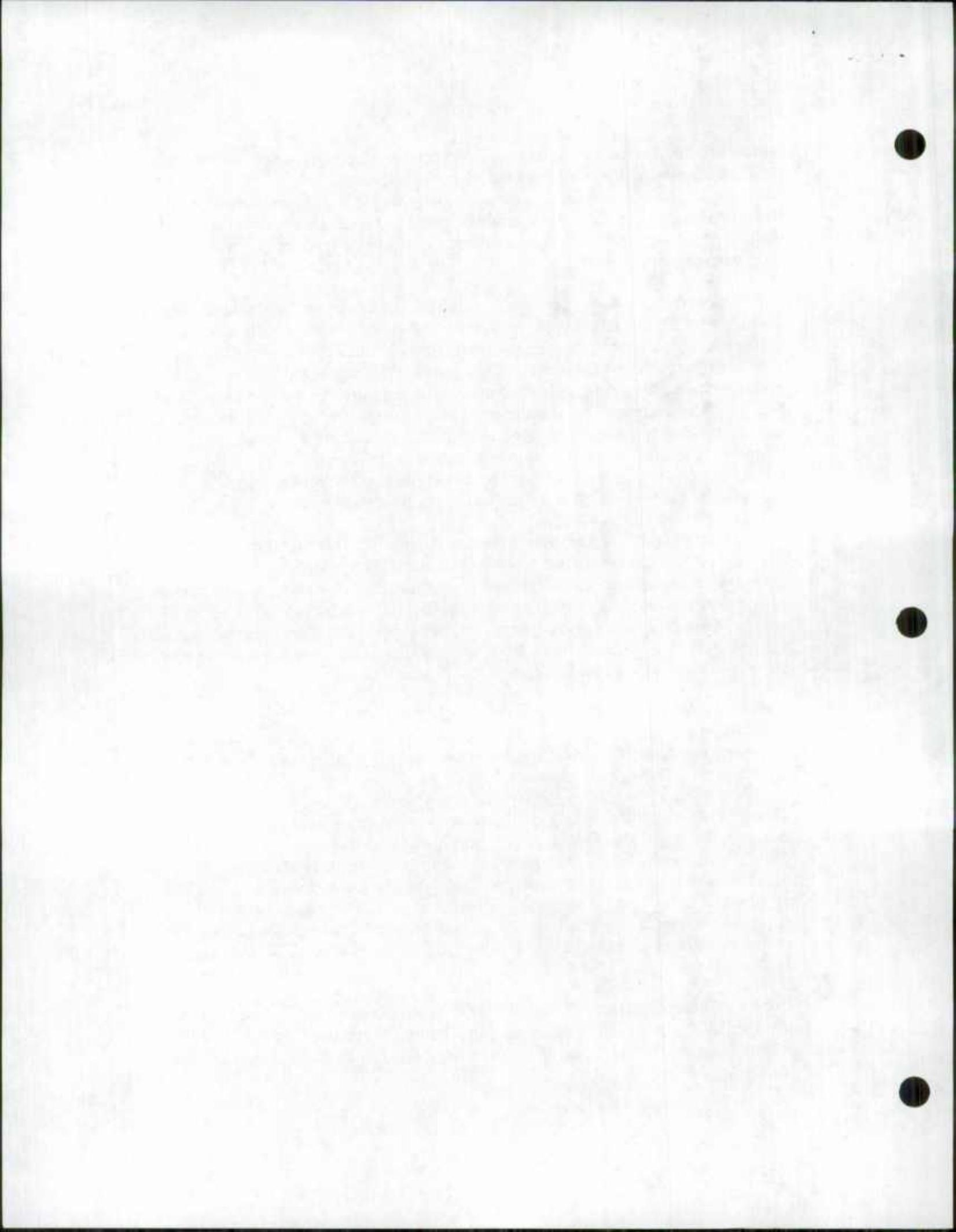
adversely affected by the project.

- Prior to construction, UniStar shall execute an MOA with MHT to mitigate the adverse effects of site preparation and construction upon on-site cultural resources that are eligible for the National Register of Historic Places. No site preparation activities (such as clearing or grading) or construction activities having the potential to affect historic properties will take place within the limits of National Register-eligible archeological or structural resources, and no removal or demolition of eligible structures will take place until an MOA has been executed.
- All portions of the power plant and rights-of-way disturbed during construction shall be stabilized immediately after the cessation of construction activities within that portion of the footprint and right-of-way, followed by seed application, except in actively cultivated lands, in accordance with the best management practices presented in the MDE document 1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control, and as approved by Calvert County. In wetlands and wetland buffers, seed application shall consist of the following species: annual ryegrass (*Lolium multiflorum*), millet (*Setaria italica*), barley (*Hordeum* spp.), oats (*Uniola* spp.), and/or rye (*Secale cereale*). Other non-persistent vegetation may be acceptable, but must be approved by the MDE Water Management Administration. Kentucky 31 fescue shall never be used in wetlands or buffers.
- UniStar shall construct the facilities for Calvert Cliffs Unit 3 in accordance with a Forest Conservation Plan (FCP) that has been approved by the Maryland Department of Natural Resources Forest Service. The FCP shall define forested areas to be cleared during project construction, as well as forested areas that will remain under permanent protection as mitigation. The FCP must describe site management techniques used during construction (e.g., protective measures, equipment used, stress reduction measures, etc.), or make reference to a sediment control plan prepared for the project that also incorporates protective measures for trees. In addition, so as to minimize forest losses, cleared areas that are no longer in use following project construction (e.g., laydown areas) shall be replanted with tree species appropriate for the area. Tree planting and maintenance should be conducted in accordance with the State Forest Conservation Technical Manual 3rd edition, 1997, and COMAR 08.19.04.05B(4)(a). Areas not replanted with trees shall be vegetated with grasses. Grasses will be planted along streams and other open areas where acceptable. If the areas along streams are wetlands or wetland buffers, only grasses listed in Condition -, or others approved by MDE WMA, shall be used. If areas along streams are uplands, the following grass species may be used: blue joint grass (*Calamagrostis canadensis*), switchgrass (*Panicum virgatum*), little bluestem (*Schizachyrium scoparium*), or Indian grass (*Sorghastrum nutans*). Other non-persistent vegetation may be acceptable, but must be approved by DNR or MDE WMA. Kentucky 31 fescue shall never be used.
- For the protection of bald eagles (*Haliaeetus leucocephalus*) at the project site, UniStar shall follow the State's standard guidelines for nest site protection (see DNR Heritage Letter dated 23 June 2008). If these guidelines cannot be followed, an incidental take

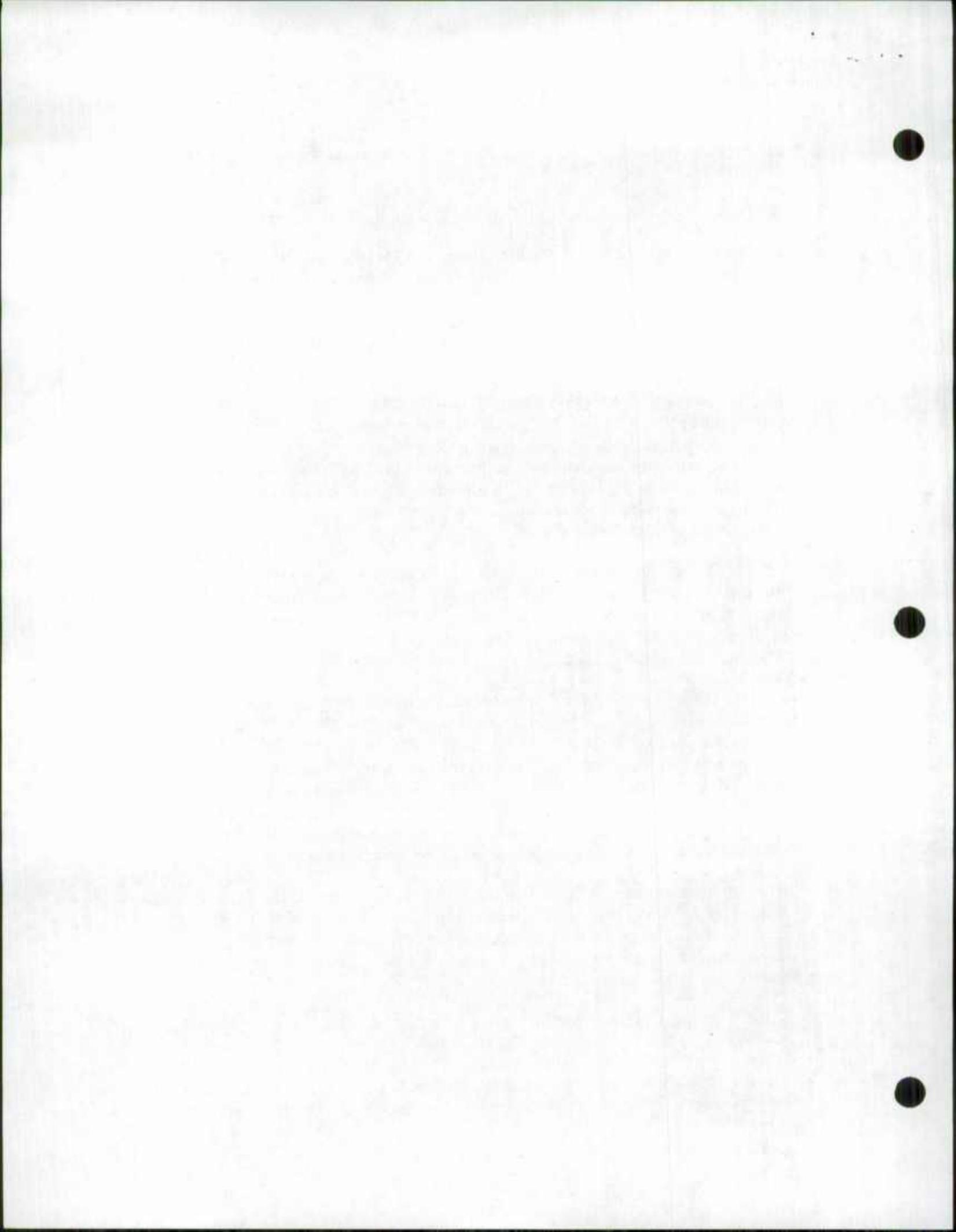


permit will be required for disturbance to or removal of any bald eagle nests. If take of the Camp Conoy nesting territory cannot be avoided, consideration should also be given to protecting the Rocky Point area of the property for nesting eagles. It should be understood that acquiring a State permit for take of a bald eagle does not carry any authority for take under the federal Bald and Golden Eagle Protection Act as administered by the USFWS.

- For the protection of showy goldenrod (*Solidago speciosa*), UniStar shall take steps to avoid habitat alteration during the proposed construction activities. Mitigation for impacts to this population through transplanting individuals is discouraged. Transplanting of threatened or endangered plants is not considered a substitute for the protection of existing populations and may result in limited or no conservation value. However, since threatened and endangered plants are the property of the landowner, transplanting such species is not illegal provided the plants are not transported off the property. If such an action is pursued, adherence to DNR's guidelines for the reintroduction of rare plants is recommended. Prior to construction, the site should be accessible to DNR Heritage botanists to confirm the identity of the showy goldenrod.
- For the protection of the two species of State endangered, federally threatened tiger beetles (northeastern beach tiger beetle and Puritan tiger beetle) that are known to occur along the Chesapeake Bay shoreline and proximal to the project site, no construction activities shall occur within 500 feet of any cliff or beach habitats that are suitable for either species. Administrative controls that restrict personnel access to beaches shall be implemented. UniStar shall allow DNR to access the shoreline as requested to conduct surveys to examine the health of tiger beetle populations.
- To compensate for impacts to American eel (*Anguilla rostrata*) caused by loss and degradation of stream habitat due to construction of the Unit 3 facilities, prior to disturbing any eel habitat onsite, UniStar shall prepare and submit a mitigation plan to DNR Fisheries Division for approval.
- To minimize impacts to American oyster (*Crassostrea virginica*) in the Flag Pond Oyster Bar area, UniStar shall either (a) not conduct dredging associated with this project in the Chesapeake Bay during the periods of December 16 to March 14 and June 1 to September 30 in any year and prepare and submit a mitigation plan, prior to conducting any dredging, for approval by DNR Fisheries Division; or (b) prepare and submit an application for a waiver or reclassification of the oyster bar within 500 yards of the area of disturbance, prior to conducting any dredging, for approval by DNR Fisheries Division.
- Construction and operation of the Calvert Cliffs Unit 3 power facility and all its appurtenant features shall be undertaken in accordance with this CPCN and shall comply with all applicable local, State, and Federal regulations, including but not limited to the following:



- a. Nontidal Wetlands—COMAR 26.23 applies to activities conducted in nontidal wetlands.
 - b. Waterway Construction—COMAR 26.17.04 applies to activities in State waterways.
 - c. Water Quality and Water Pollution Control—COMAR 26.08.01 through COMAR 26.08.04 apply to discharges to surface water and maintenance of surface water quality.
 - d. Erosion and Sediment Control—COMAR 26.17.01 applies to the preparation, submittal, review, approval, and enforcement of erosion and sediment control plans.
- UniStar shall obtain applicable State and federal dredge-and-fill and waterway construction permits for the Chesapeake Bay intake and discharge facilities and for the barge facility modifications. UniStar shall not commence construction on any aspect of the project under the jurisdiction of Section 404 of the Clean Water Act covered by the *Joint Federal/State Application for the Alteration of Any Floodplain Waterway, Tidal or Nontidal Wetland in Maryland*, until such application has been approved by the U.S. Army Corps of Engineers and MDE.
 - UniStar shall not commence construction on any aspect of the project under the jurisdiction of the Chesapeake Bay Critical Area Commission (CAC) until it has received approval of the proposed Unit 3 project from the CAC. All site preparation, preconstruction, and construction activities at the site shall be implemented in accordance with the CAC-approved plans.
 - Portions of the Calvert Cliffs Unit 3 construction footprint adjacent to existing forested nontidal wetlands shall comply with Best Management Practices for Nontidal Wetlands of Special State Concern and Expanded Buffers, COMAR 26.23.06.03, which provides for stringent best management practices in the vicinity of very sensitive nontidal wetlands sites. These practices and techniques will include use of adequately sized temporary sediment traps, as needed, as well as super silt fencing and other specialized techniques specifically needed for limiting the quantity of sediment entering existing forested wetlands and streams during the power facility construction process.
 - At a minimum, sediment control during construction of all aspects of this project shall include the following Best Management Practices: construction of earth dikes and retaining walls in appropriate locations, sediment traps, use of super silt fences, stabilizing disturbed areas as quickly as possible, and converting silt traps to permanent features as soon as practicable.
 - In the event that UniStar commences site preparation/preconstruction activities and subsequently either (a) the U.S. Nuclear Regulatory Commission (NRC) does not issue an operating license, or (b) UniStar decides not to proceed with construction and operation of Calvert Cliffs Unit 3, UniStar shall be responsible for returning the site to a long-term environmentally stable condition. If either (a) or (b) occurs, UniStar shall



inform the PSC within sixty (60) days and at the same time will describe specific measures that will be taken to stabilize the site. Such measures will depend upon the status of site preparation or preconstruction that has already occurred; however, at a minimum, UniStar must consider appropriate actions to address the following areas:

- Stormwater management measures and erosion/sediment control as required by Conditions and -;
- Wetlands mitigation and buffering as required by Conditions d and -, and as specified in the joint federal/State wetlands permit;
- Revegetation and reforestation as required by Conditions - and -, and as specified in the approved Forest Conservation Plan;
- Protection for species and habitats as required by Conditions -, -, -, -, and -, and as specified by the Chesapeake Bay Critical Area Commission and the joint federal/State wetlands permit; and
- Mitigation for cultural resource impacts as required by Condition -, and as specified in the Memorandum of Agreement (MOA) with Maryland Historical Trust (MHT).

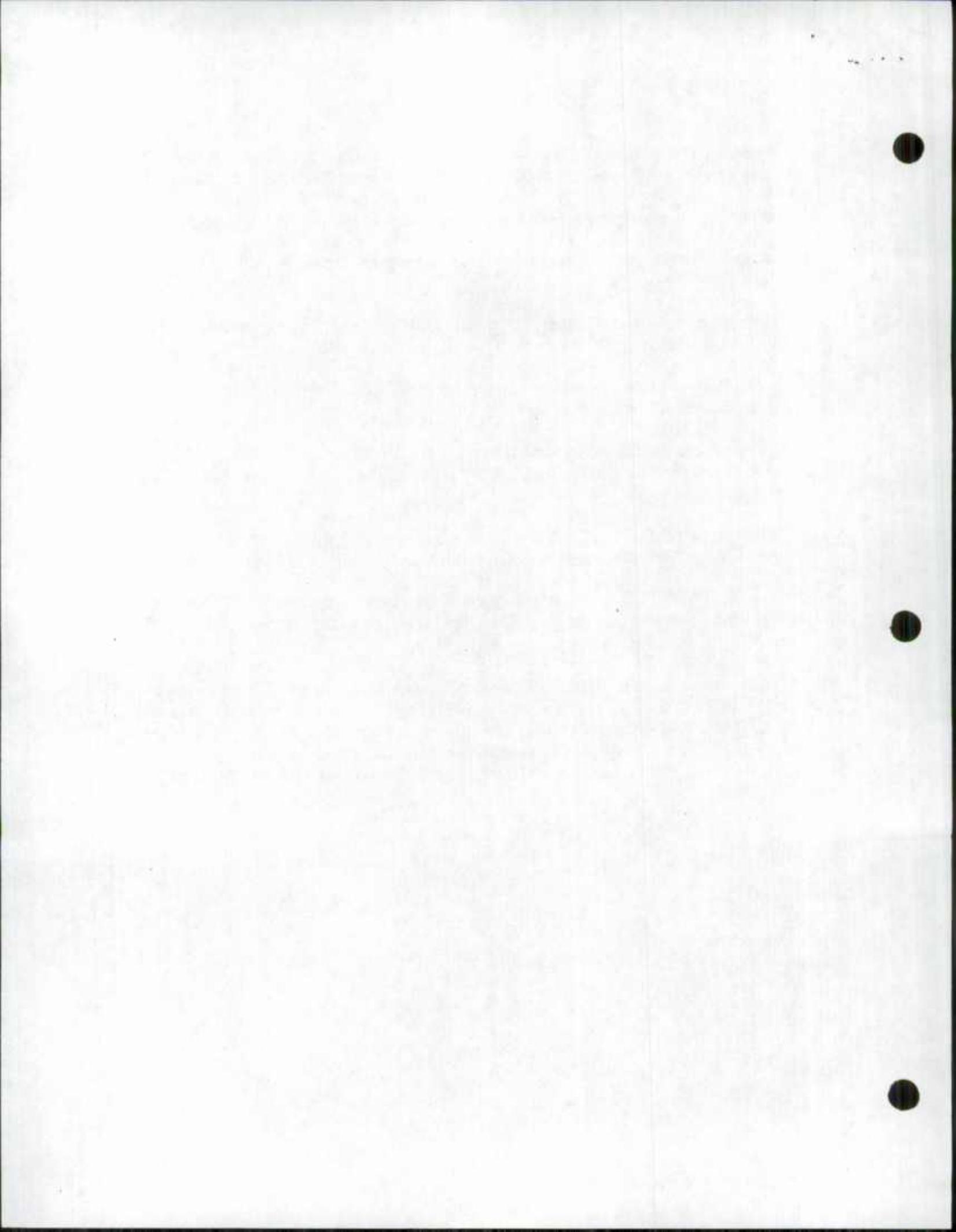
UniStar shall obtain PSC and Maryland Power Plant Research Program (PPRP) approval of its site stabilization plan and shall complete implementation of the approved plan on the schedule outlined in the plan.

The Commission requests that PPRP include this Notification of Action with the testimony submitted by PPRP to the PSC in PSC Case No. 9127. Under separate cover, the Commission will also notify the PSC Hearing Examiner of the Commission's action. Should you have any questions, please feel free to contact me at 410-260-3481. Also, please forward any modifications of the initial recommended licensing conditions submitted to the PSC as they become available.

Sincerely,



Amber Widmayer
Natural Resource Planner



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

August 11, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Helms Property-Shoreland Plat A Lot 149
S 86-055, P 06-0153

Dear Mr. Burke:

I have received a resubmittal for the above mentioned subdivision application. The project proposes the subdivision of an existing 31,168 square foot lot into two lots with construction of a new dwelling and driveway on the new lot. The property is in the Critical Area, is designated as a Limited Development Area and is currently developed with a dwelling and driveway which will remain. The applicant has addressed this office's comments from my June 6, 2008 letter and I have no remaining comments on the project at this time. I have provided my remaining comments below:

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

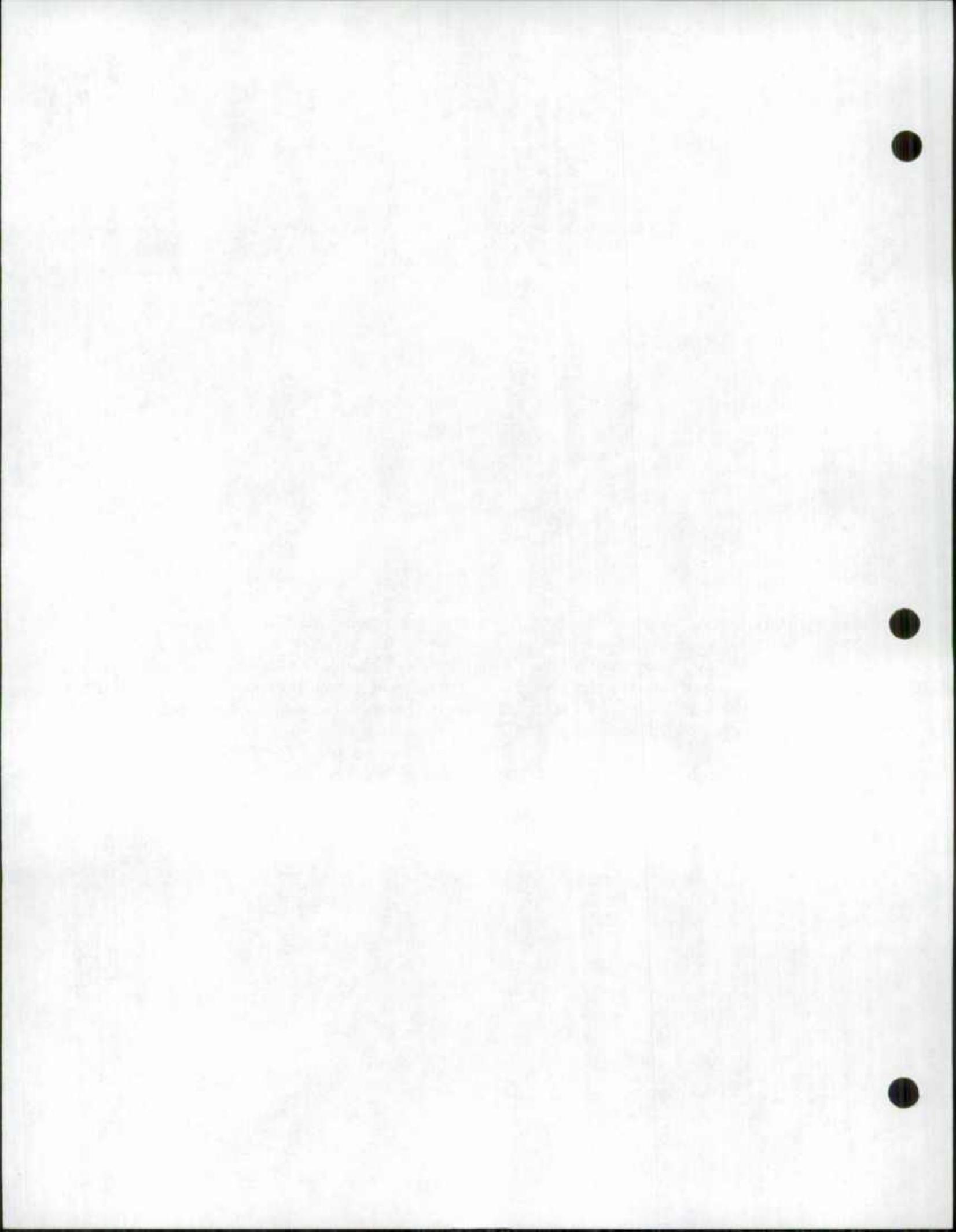
Amber Widmayer
Natural Resources Planner

cc: AA 801-06

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450





Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 12, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Durner Family Property
S 08-020, P 08-0047

Dear Ms. Krinetz,

Thank you for forwarding a revised submittal for the above-referenced subdivision application. The proposed subdivision of the 4.97 acre property does not create any impacts within the 1.46 acres of the property that are within the Critical Area and designated as a Resource Conservation Area (RCA). The applicant has addressed this office's comments from my April 10, 2008 letter. Therefore, I have no remaining comments on the subdivision as proposed.

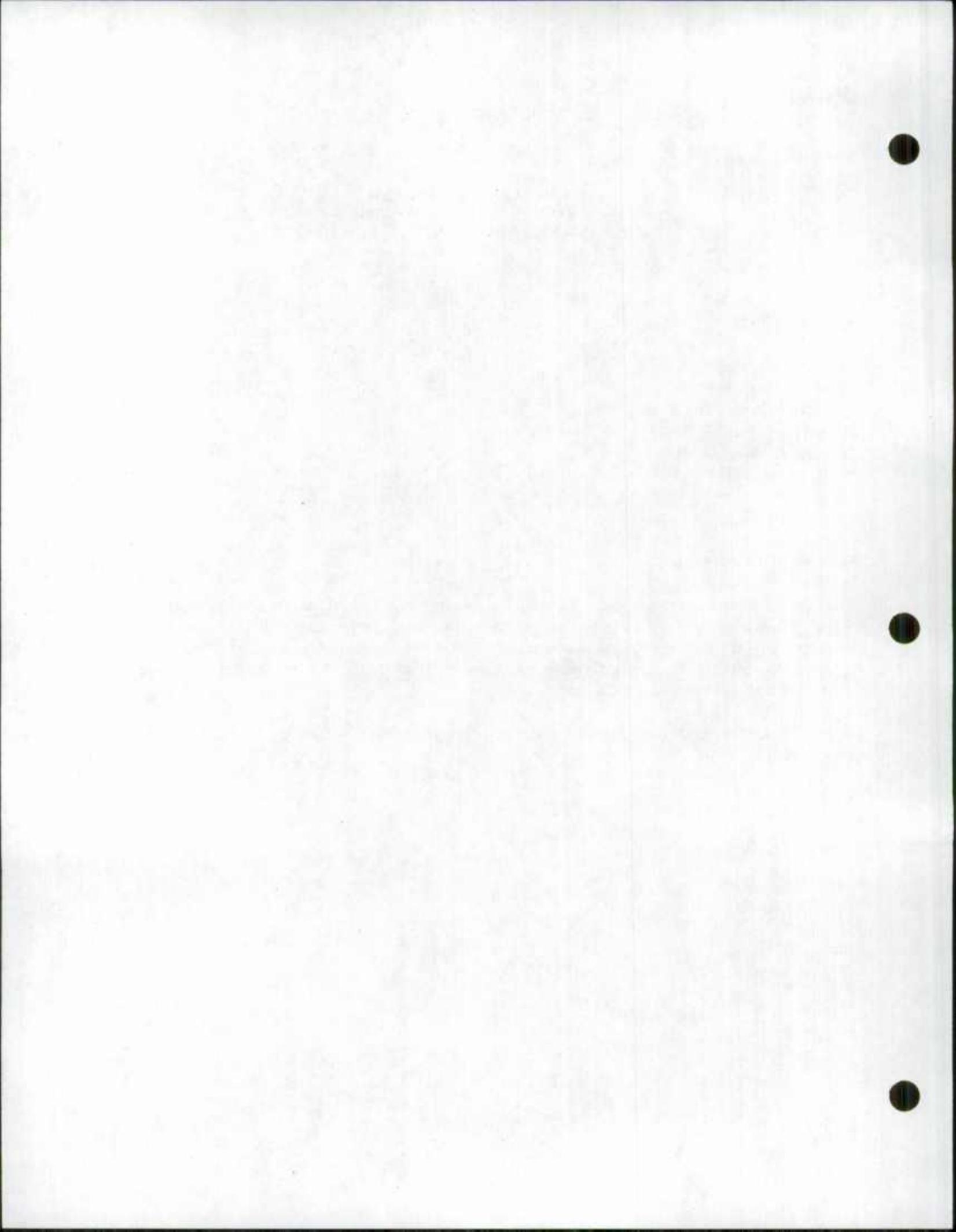
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 159-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401

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13

August , 2008

Sally Nash
City of Annapolis
Department of Planning and Zoning
145 Gorman Street, 3rd Floor
Annapolis, Maryland 21401

Re: Harbor View Community Second Pier Access

Dear Ms. Nash:

Thank you for providing information on the above referenced site plan. The applicant proposes to create a second access to an existing community pier serving several lots on Little Harbor Way and to abandon part of an existing access easement through the Buffer on lots 2 through 5. The properties are developed with single family dwellings and are within the Critical Area. It appears that the properties are designated as a Limited Development Area (LDA) and that they are with the City's mapped Buffer Exemption Area (BEA).

Please have the applicant provide additional information about the proposed second pier access. In particular, it is unclear how the proposal is consistent with the State's Criteria for Community Piers found at COMAR 27.01.03.07.A(4) which establishes the development parameters for community piers and requires that "disturbance to the Buffer is the minimum necessary to provide a single point of access to the facilities." Therefore, the applicant must show how the creation of a second access point to the community pier can be done in a manner that is consistent with the State Criteria. In the absence of such a showing, the proposal may require a variance.

Thank you for the opportunity to provide comments. If you have any questions, please feel free to call 410-260-3481.

Sincerely,

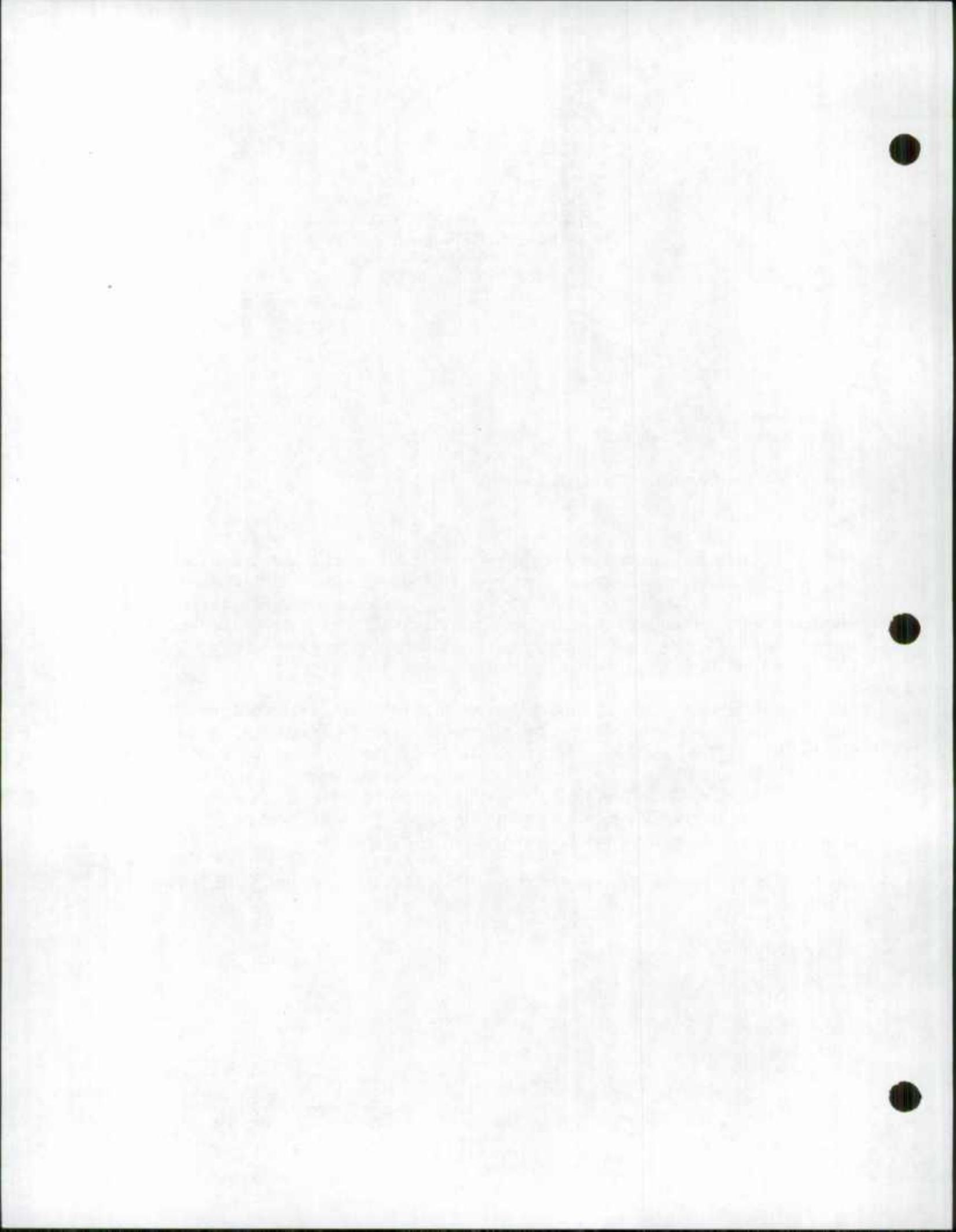
A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resource Planner
AN 174-01

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450





Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 13, 2008

Ms. Lori Allen
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Bayhead Farms
S 78-333, P 07-00174

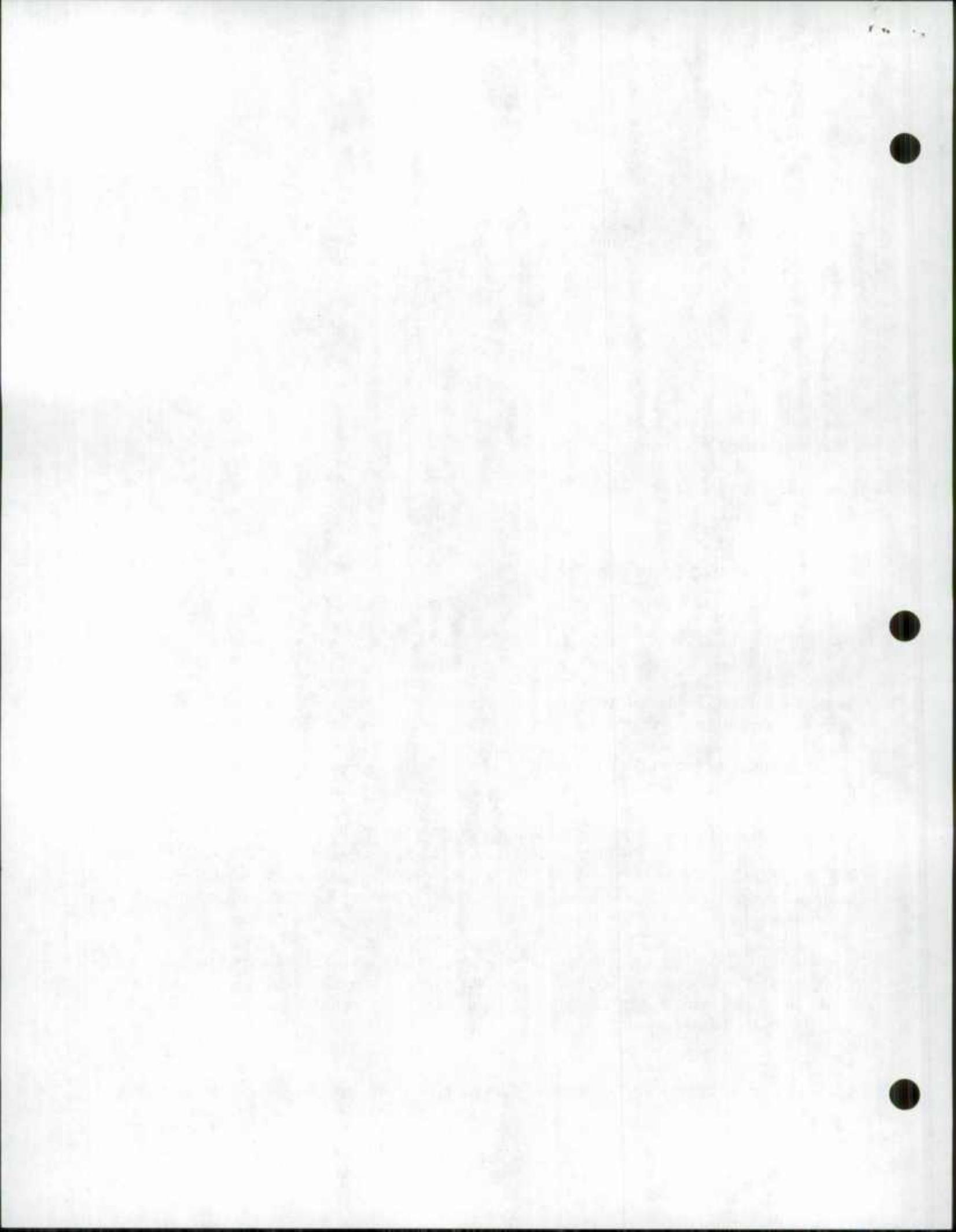
Dear Ms. Allen:

Thank you for forwarding the revised plans for the above-referenced subdivision request. Based on a meeting with Commission staff and County Planning and Zoning staff, it is our understanding that the proposed subdivision of an existing parcel of RCA into one lot and one open space parcel will not create a greater number of nonconforming RCA parcels than currently exist, due to the fact that there are already two parcels of RCA on the property. Therefore, the proposed reconfiguration of two RCA parcels to create one lot and one open space parcel, which will result in a decrease from two development rights to one, is acceptable to this office in this situation, even though according to the County's Code, any alteration of existing lot lines amounts to a subdivision which requires that new lots and parcels must comply with the current laws, including no new lots or parcels in the RCA with less than the requisite 20 acres associated with each lot or parcel. It appears that the applicant has addressed most of this office's comments from my May 27, 2008 letter. I have outlined my remaining comments below:

- 1) Please have the applicant provide information as to whether the proposed pump station can be located outside of the RCA. Disturbances should not be created within the RCA to support development that is outside of the RCA, and therefore, the pump station should be located outside of the RCA.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.





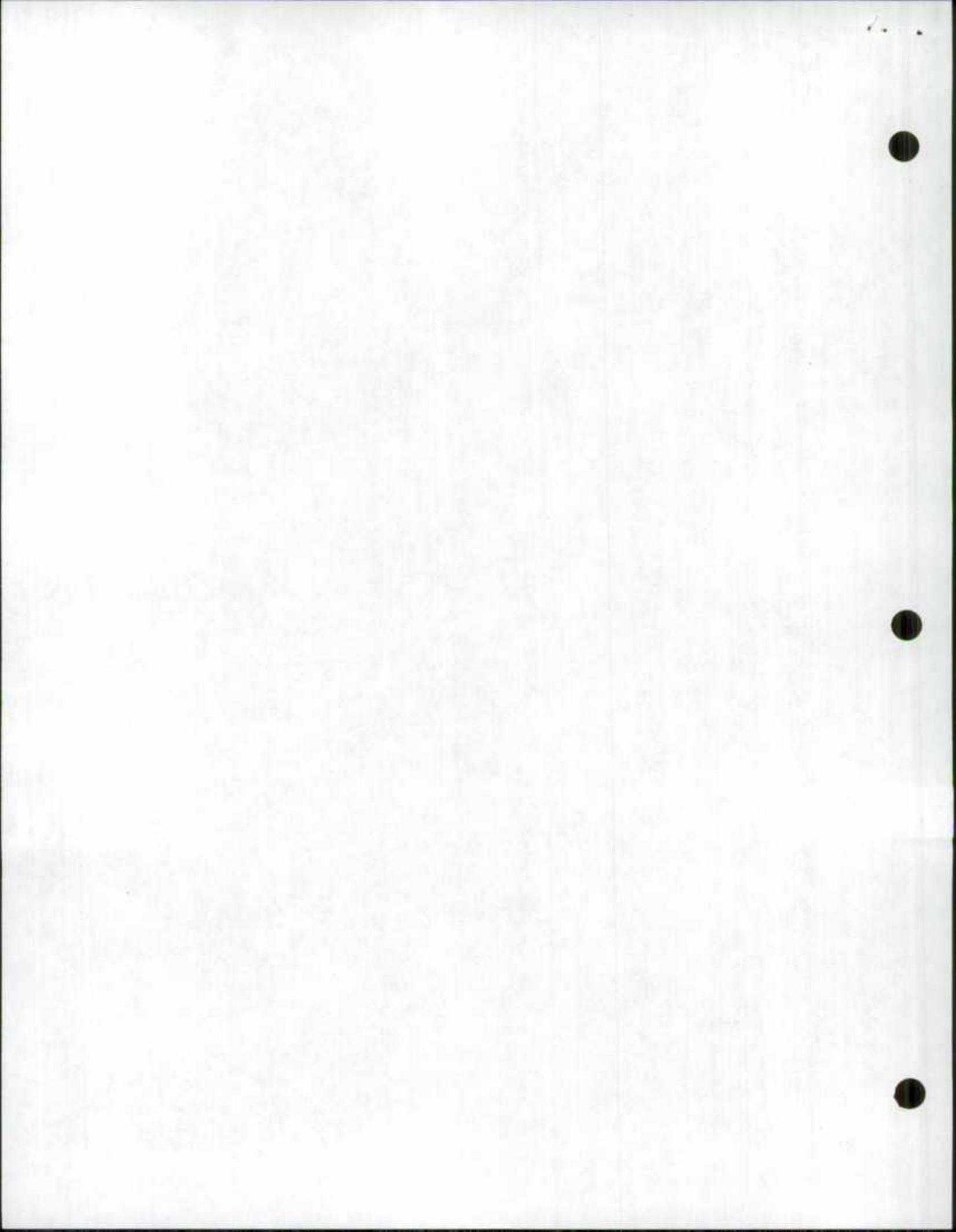
Ms. Allen
August 13, 2008
Page Two

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 49-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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August 13, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Sahlin Estates Modification #10,009
S 98-091, P 08-0098-00-NP

Dear Ms. Krinetz:

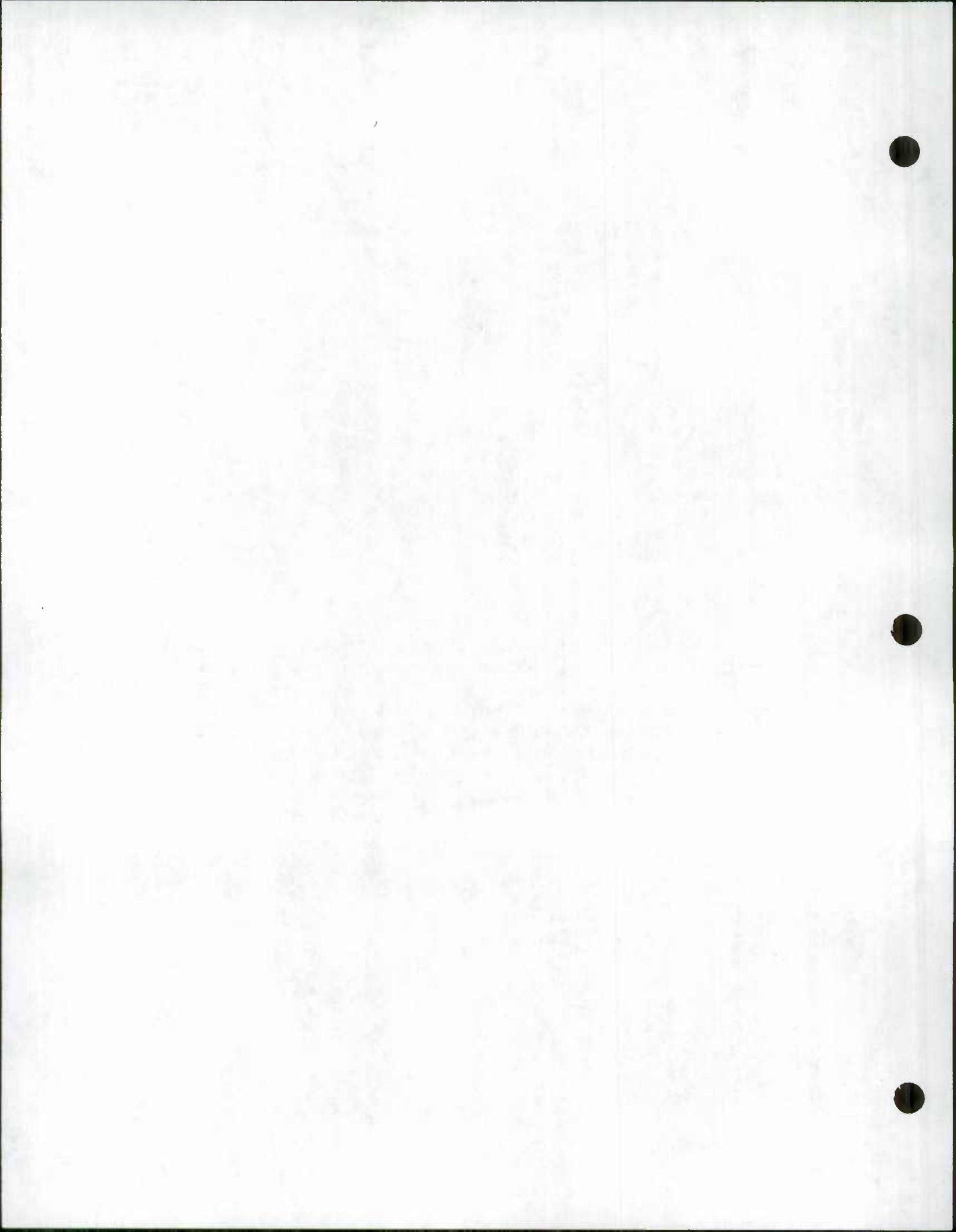
Thank you for forwarding information about the above referenced modification request. The proposed project is the subdivision of a 126 acre property to create seven lots with portions of five lots in the 86.7 acres that are within the Critical Area and designated as a Resource Conservation Area (RCA). The applicant has requested a modification to waive the Sketch Plan process and to allow forest conservation easements on lots less than 10 acres. Because the requested modifications do not raise any Critical Area issues and because it does not appear that the proposed subdivision plans have changed since this office confirmed that the applicant had addressed all of our comments in October 26, 2003 letter, we have no comments on the requested modifications. If future revisions are made to the subdivision plans, please forward them to this office for review.

Thank you for the opportunity to comment. Please contact me at (410) 260-3481 if you have any questions.

Sincerely,


Amber Widmayer
Natural Resources Planner

cc: AA 63-06/AA 434-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 14, 2008

Mr. Jeff Torney
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Deep Creek Village
S 96-039, P 06-0010

Dear Mr. Torney:

Thank you for forwarding the final development plans for the above-referenced subdivision request. The applicant is proposing to subdivide a 46.51-acre property to create a 128 dwelling unit residential subdivision. Approximately 31.64 acres are located within the Critical Area. Within the Limited Development Area (LDA), there are 10.90 acres and within the Resource Conservation Area (RCA), there are 20.74 acres. The property is currently developed with two single-family dwellings. The applicant has addressed this office's comments from my December 5, 2008 letter and I have no further comments on the proposed subdivision at this time.

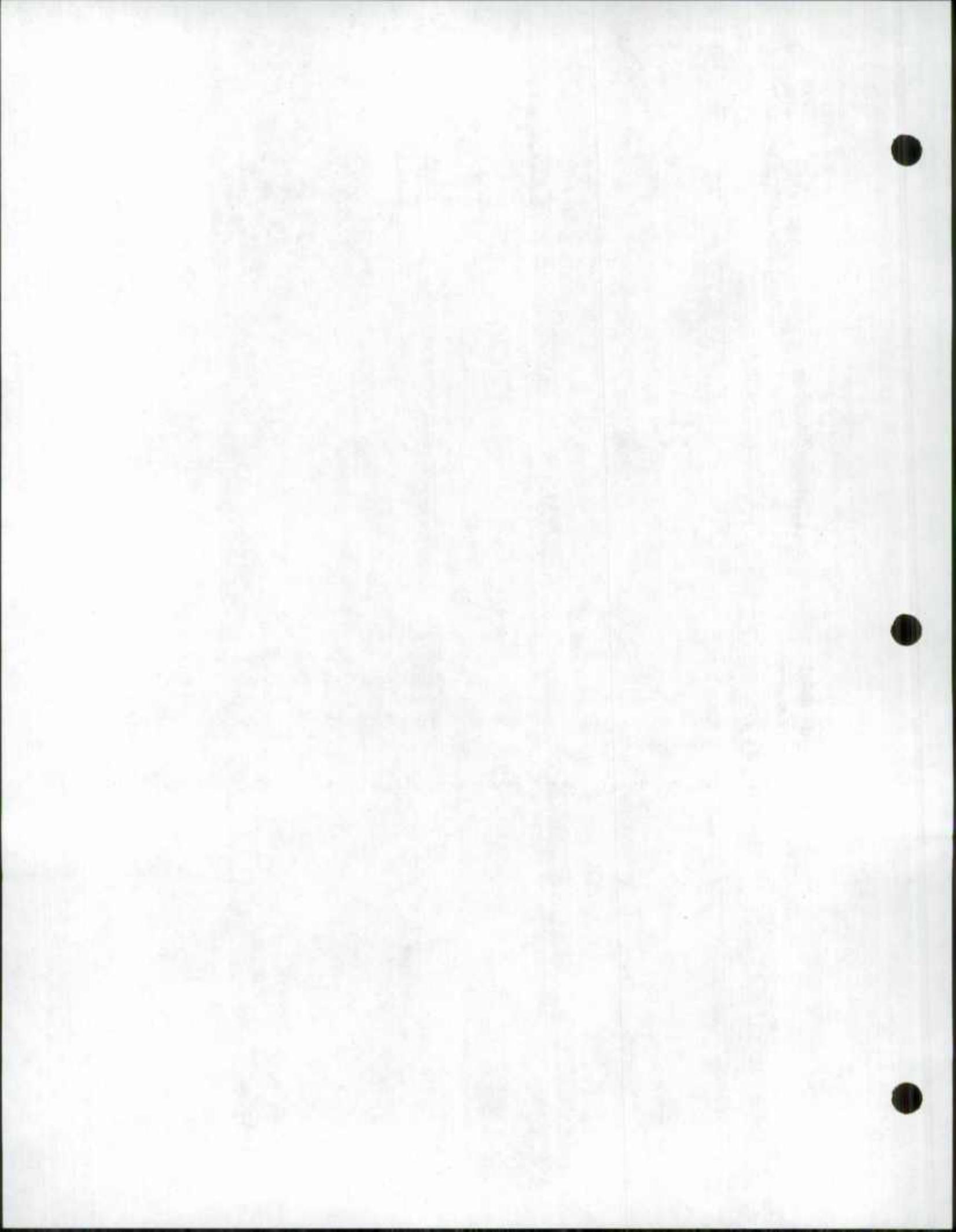
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 422-02



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 14, 2008

Mr. Bill Love
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Carlow, Charles
S 06-032, P 06-135

Dear Mr. Love:

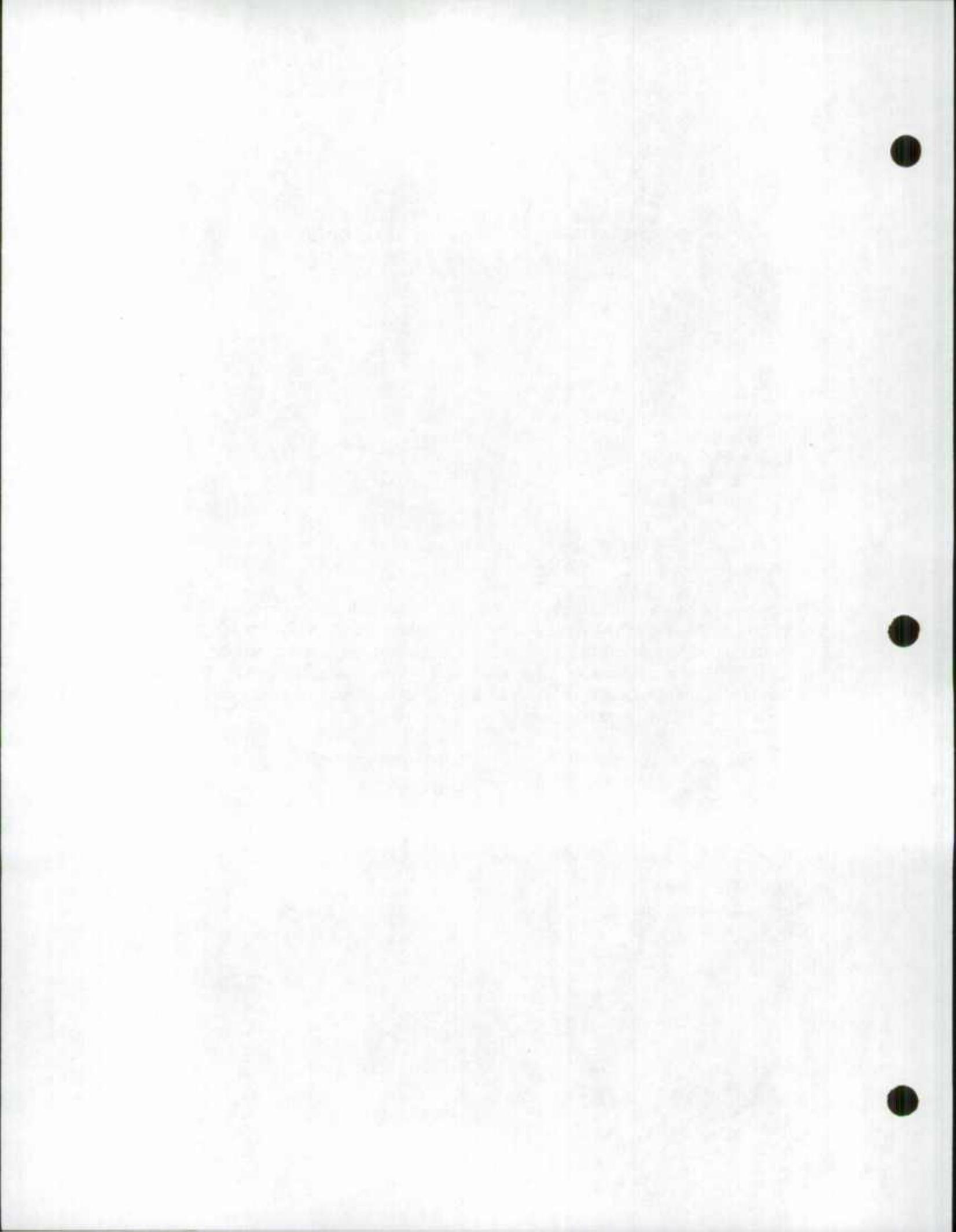
Thank you for forwarding the above-referenced revised subdivision application. The applicant proposes to subdivide an existing parcel into two lots, and to construct a dwelling on one of the parcels. The property is designated as a Limited Development Area (LDA) and as a Resource Conservation Area (RCA). The applicant has addressed this office's comments from my March 27, 2008 letter and I have no further comments on the proposed subdivision at this time.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner
cc: AA 753-06



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

August 14, 2008

Ms. Donna Aulds
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Rabbitt, Stephen
MS 07-027

Dear Ms. Aulds:

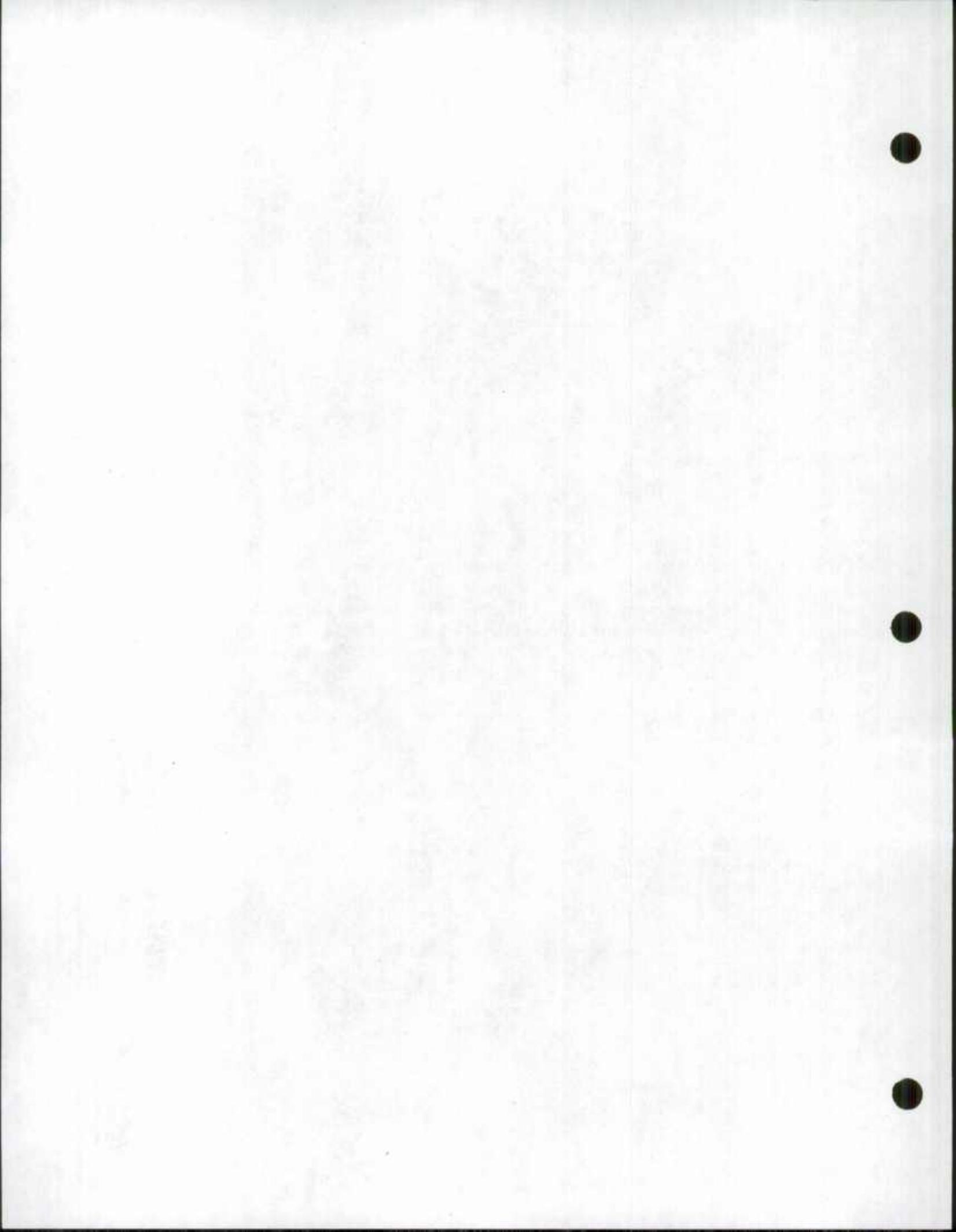
Thank you for forwarding the revised plans for the above-referenced subdivision application. The applicant proposes to subdivide an existing 4.95 acre parcel into three new lots and to construct a new dwelling on each of the new lots. The property is currently developed with a tennis court, sheds and a pump house, and it is designated as a Limited Development Area (LDA). The applicant has addressed this office's comments from my May 6, 2008 letter and I have no further comments on the proposed subdivision at this time.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner
cc: AA 265-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 14, 2008

Mr. Dan Beverungen
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Clifford Property
S 06-044, P 06-0145

Dear Mr. Beverungen:

I have received the revised plans for the above-referenced subdivision request. The project proposal is for the subdivision of an existing 1.99 acre lot into a residential lot and a commercial lot with the construction of a commercial or retail structure. The property is designated as a Limited Development Area (LDA) and is currently developed with a single family dwelling that will remain. The applicant has addressed this office's previous comments from my April 14, 2008 letter and I have no remaining comments on the proposal at this time.

Thank you for the opportunity to comment. Please contact me at (410) 260-3481 if you have any questions.

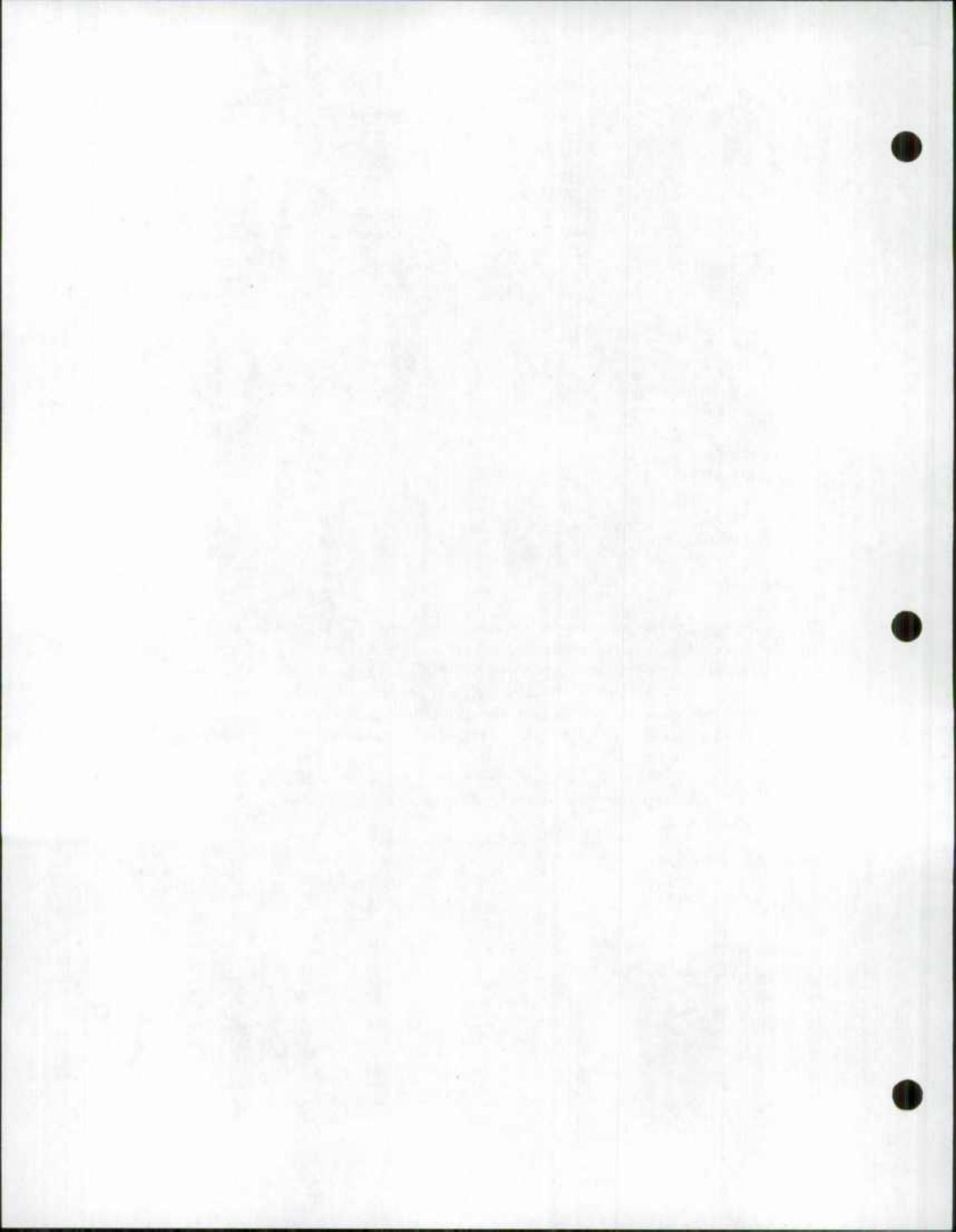
Sincerely,

A handwritten signature in cursive script, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 763-06





Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 15, 2008

Mr. Michael Wojton
Anne Arundel County
Department of Public Works
Capital Projects Program
2568A Riva Road, Ste 300-MS 5116
Annapolis, MD 21401

Re: Cox Creek Water Reclamation Facility Upgrades

Dear Mr. Wojton:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On August 6, 2008, the Critical Area Commission unanimously approved Anne Arundel County Department of Public Works' (AADPW) proposal and site plan to upgrade the Cox Creek Water Reclamation Facility with Enhanced Nutrient Removal technology. This approval included the following conditions:

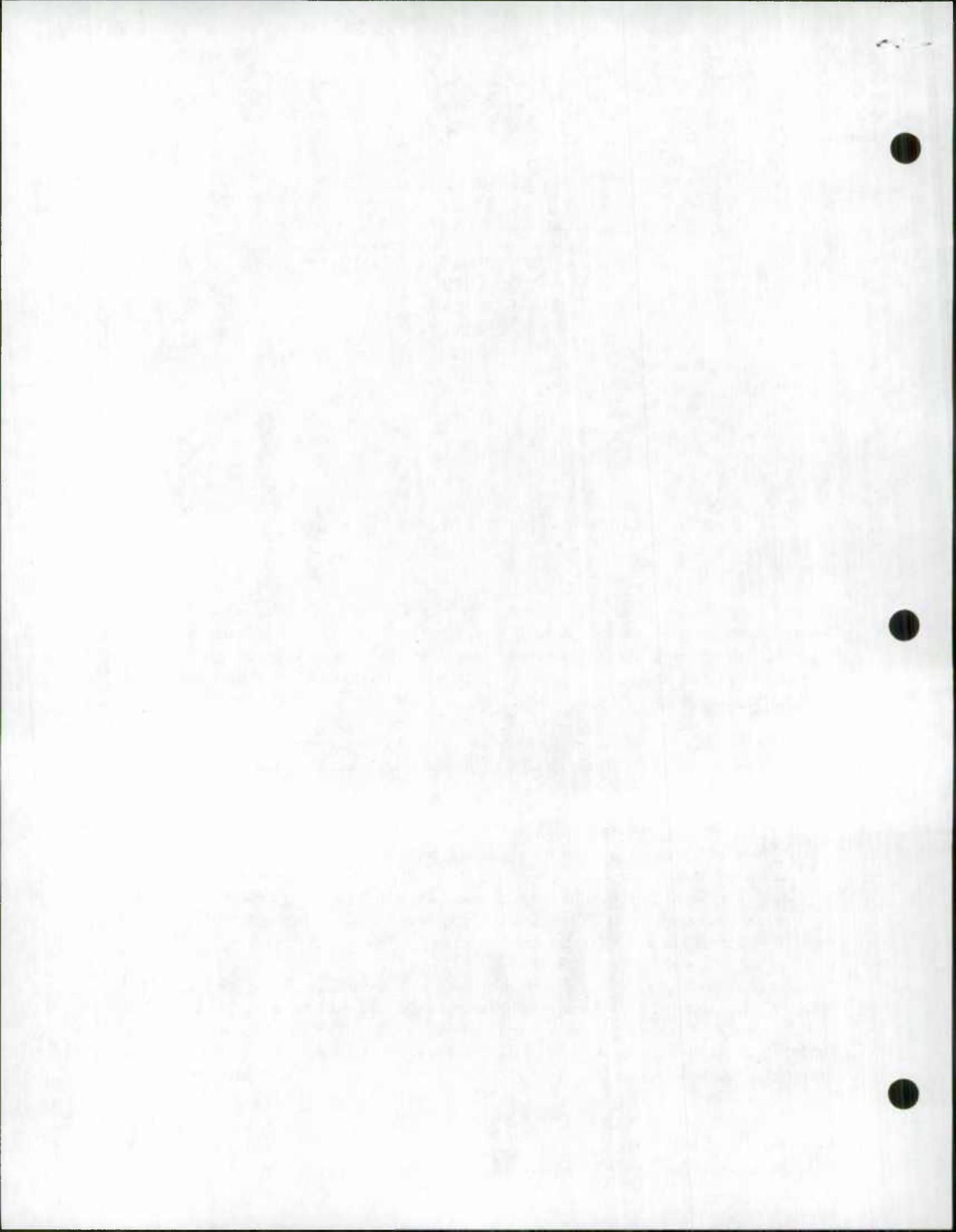
- 1) Prior to start of construction, the Anne Arundel County Department of Public Works shall obtain and submit to Commission staff the necessary erosion and sediment control and stormwater management authorizations.
- 2) The Anne Arundel County Department of Public Works must obtain recommendations for limiting the project impacts to the waterfowl concentration area located in the open waters adjacent to the project site from the Department of Natural Resources' Wildlife and Heritage Service. Any applicable recommendations shall be incorporated in the design of the project and the AADPW shall submit revised plans implementing the recommendations to Commission staff for review and approval.

Please note that this approval was also based on the 5.63 acre mitigation package provided by AADPW which consisted of 4.53 acres of plantings to address the 1.51 acres of Buffer disturbance at a 3:1 ratio, 0.92 acres of plantings to address the 0.46 acres of disturbance within the Buffer Management Area at a 2:1 ratio, and 0.18 acres of plantings at a 1:1 ratio for the forest clearing outside of the Buffer. Additionally, AADPW will address its 10% pollutant removal

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Mr. Wojton
August 15, 2008
Page 2 of 2

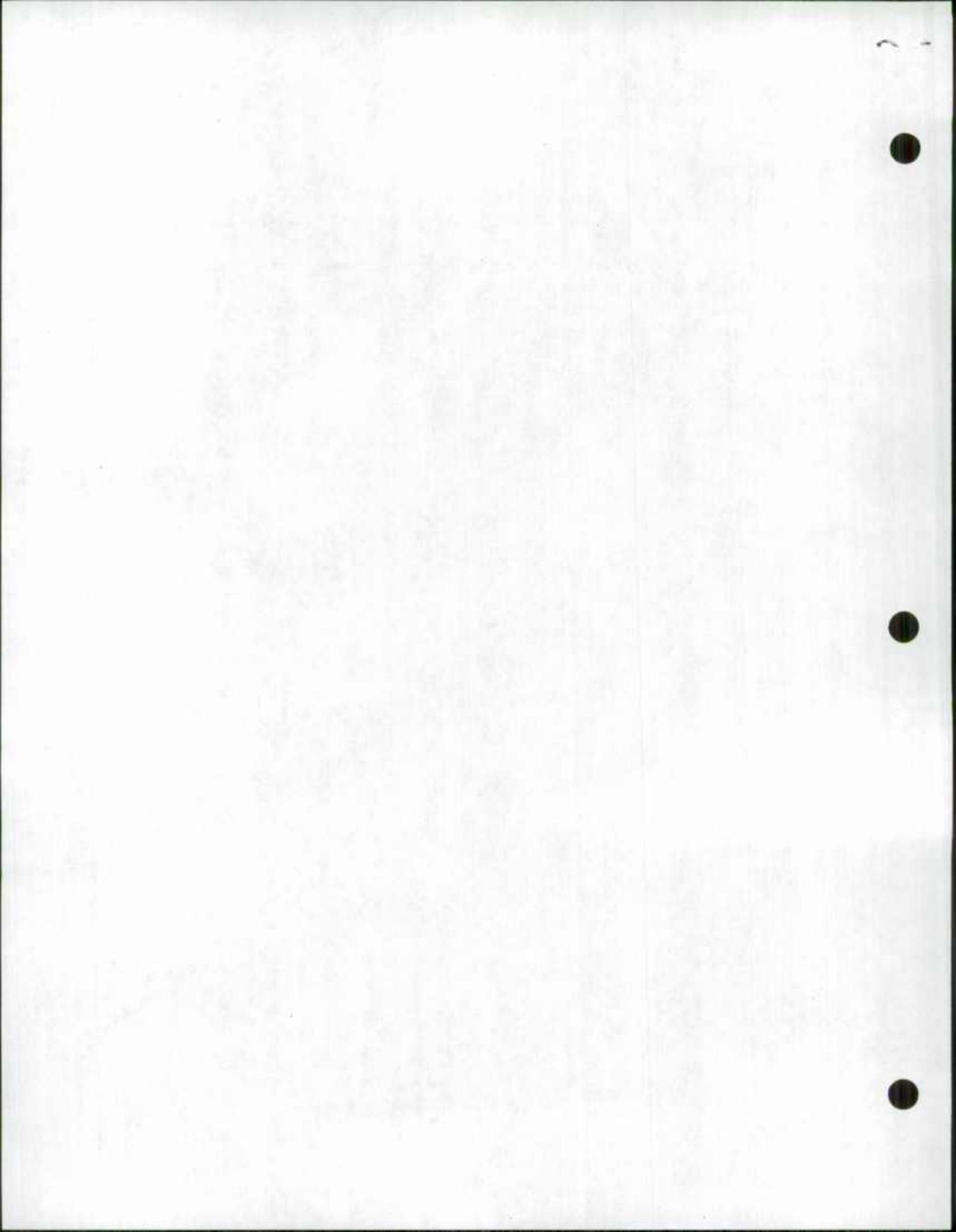
requirement of 2.97 pounds of phosphorus per year using infiltration trenches and proprietary stormwater treatment devices that will remove 3.06 pounds of phosphorus per year.

Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Please forward any stormwater management and sediment and erosion control permits to this office once obtained and please notify Commission staff once the required mitigation plantings are implemented so that a site visit can be conducted. Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,

Amber Widmayer
Natural Resources Planner

cc: AA 318-06
Maureen Wingfield, P.E.



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 15, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Glen Burnie Crossing
S 80-213, P 07-0096-00-NF

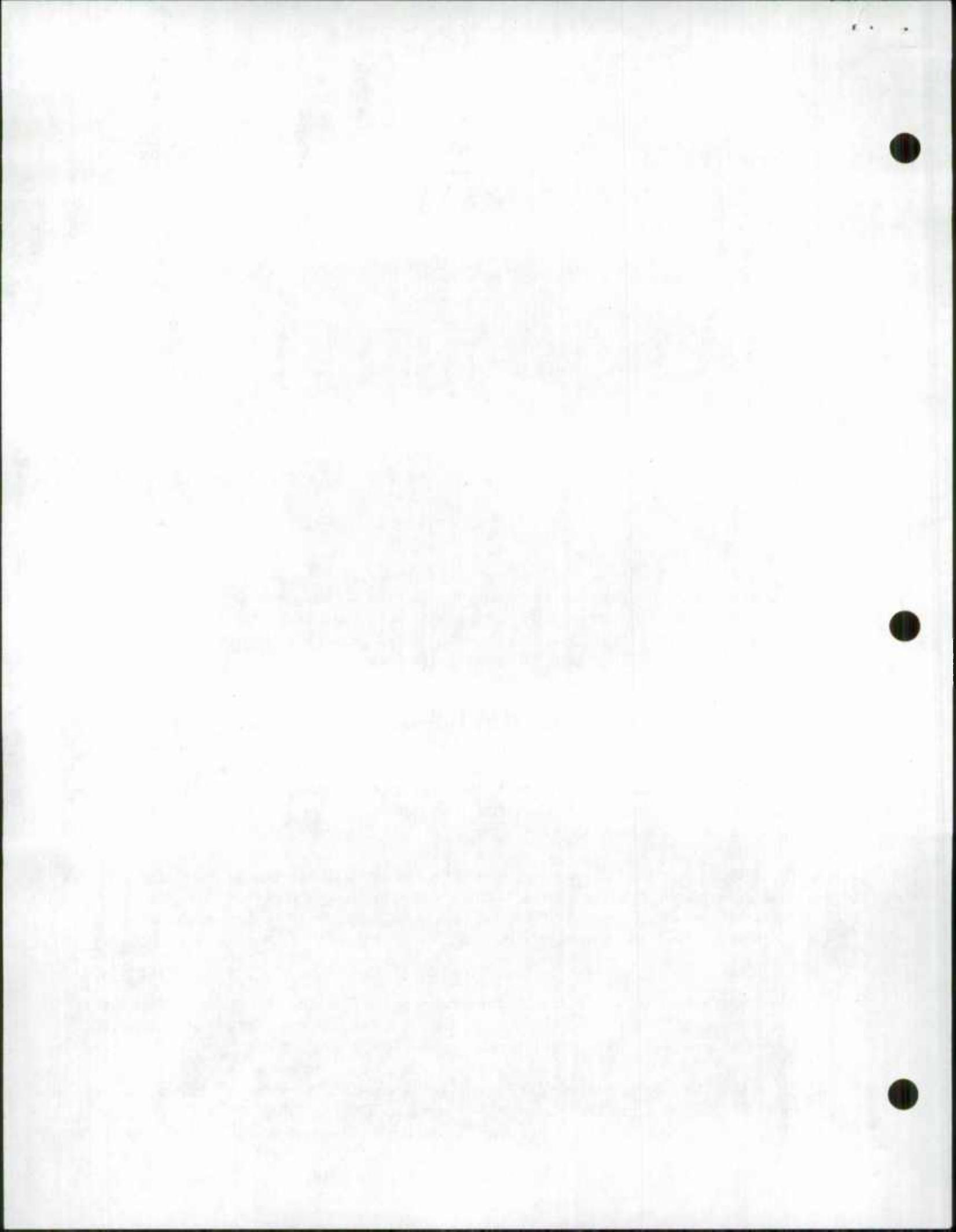
Dear Ms. Krinetz,

Thank you for forwarding the above-referenced site plan for review. The applicant proposes to subdivide an undeveloped 31.8 acre property into four lots and to construct four commercial buildings and parking lots. 23.9 acres of the property are within the Critical Area with 8.5 acres classified as a Resource Conservation Area (RCA) and 15.4 acres classified as an Intensely Developed Area (IDA). I have provided comments below:

1. Please have the applicant show the area of the proposed 15,900 square feet of clearing within the RCA on the plans and provide information about how the required reforestation and Buffer mitigation will be provided. Also, please clarify whether all the proposed clearing is for the construction of the proposed stormwater outfall and sewer line hook-up. The Buffer disturbance for the proposed outfall must be mitigated at a 2:1 ratio, and the Buffer disturbance for the connection to the existing sewer line in the Buffer must be mitigated at a 3:1 ratio.
2. The applicant proposes to impact three nontidal wetlands with the proposed development and must obtain permits from the Maryland Department of the Environment (MDE) in order to create these impacts. Please have the applicant confirm that such permits have been applied for or obtained. Also, disturbance to nontidal wetlands will require a variance from Anne Arundel County's Code.
3. Please confirm that the limit of disturbance for the proposed parking lot that borders the RCA line on proposed lot 4 is outside of the RCA. Also, please confirm that the limit of disturbance for nearby stormwater management pond is outside of the Buffer.
4. Please have the applicant complete and submit the 10% pollutant removal calculations and information showing how the resulting 10% removal requirement will be addressed on the site. The 10% worksheets and further information about the 10% requirement are available on the

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Ms. Krinetz
August 15, 2008
Page Two

Commission's website at the following address:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html

5. COMAR 27.01.02.03.D(4) requires that if practicable, permeable areas within IDA shall be established in vegetation. Please provide a landscape plan demonstrating that this requirement has been addressed.
6. COMAR 27.01.02.04.C(3)(c) requires that an area equal to 80% of the existing forested area be placed in a conservation easement. Therefore, please show that 80% of the existing 8.5 acres of existing forested area in the RCA will be placed in a conservation easement.

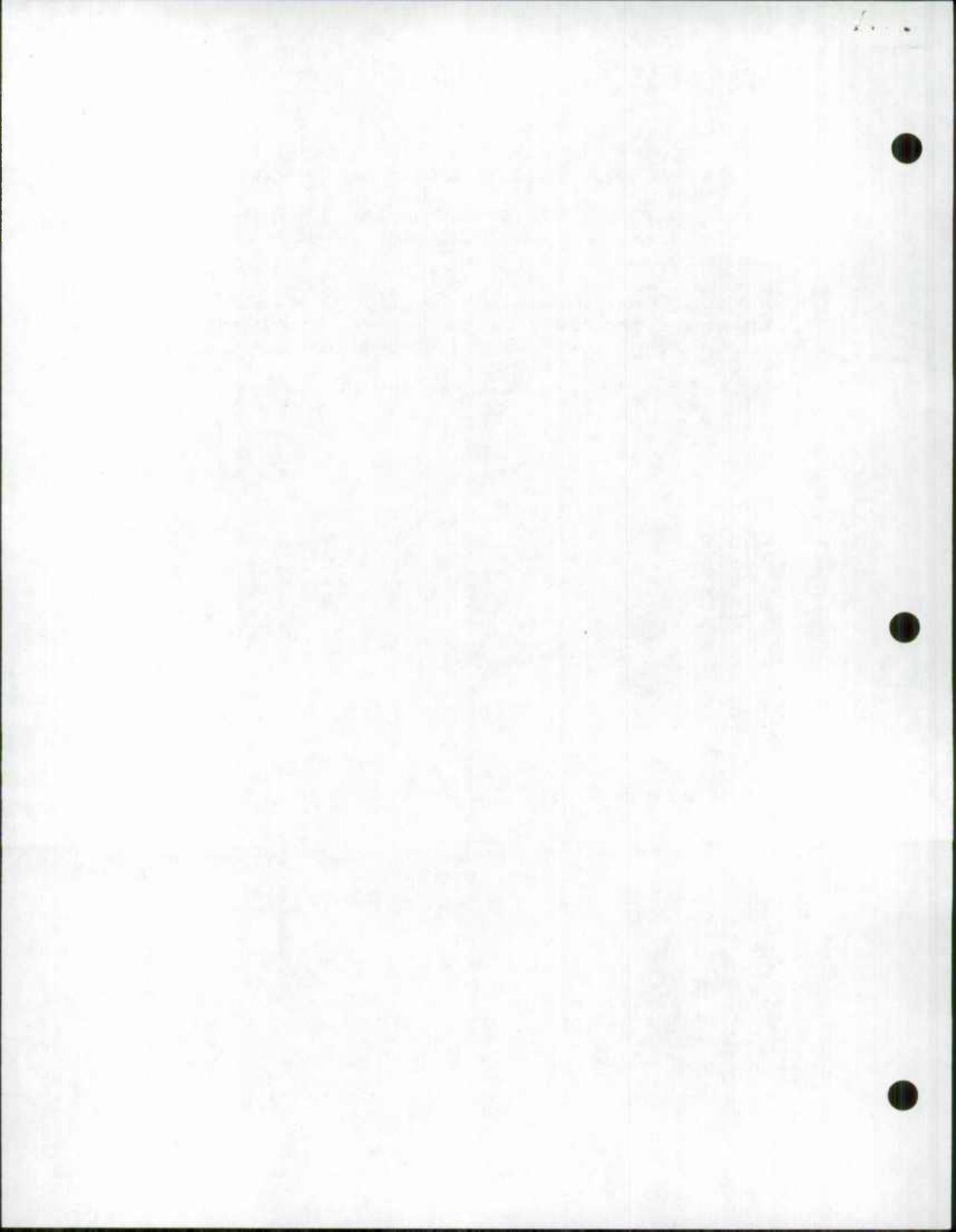
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 394-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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August 18, 2008

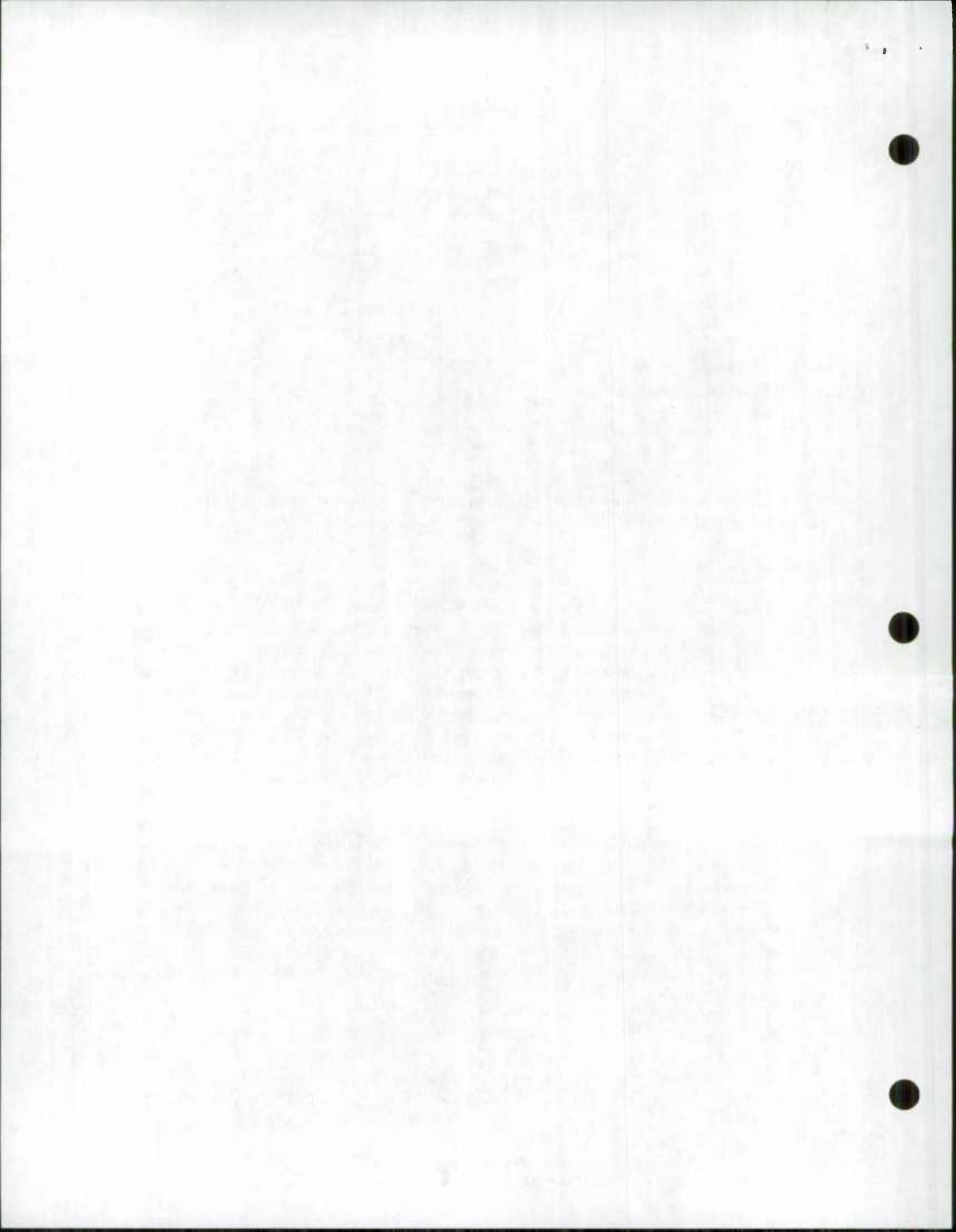
Mr. Joel M. Bright
Chief Hearing Examiner
Maryland Public Service Commission
William D. Schaeffer Tower
6 Saint Paul Street, 16th floor
Baltimore, MD 21202

Re: **PSC Case # 9127-Notification of Critical Area Commission Action on Request for Approval of Calvert Cliffs Nuclear Power Plant Expansion Project**

Dear Mr. Bright:

On August 6, 2008, the Critical Area Commission (CAC) approved, with conditions, UniStar's proposal to the Public Service Commission (PSC) to expand the existing Calvert Cliffs Nuclear Power Plant by constructing a third nuclear power generation unit. This approval constitutes the CAC's official vote on the project. The CAC's approval was made subject to the six conditions included below. Please incorporate these conditions into the PSC's final order. Additionally, the CAC's approval incorporated the initial recommended licensing conditions submitted to the PSC by Maryland Power Plant and Research Program (PPRP). By way of the CAC's sixth condition, any changes to the PPRP conditions will be incorporated into the CAC's approval. The CAC's six conditions of approval and 15 of the most relevant PPRP initial recommended licensing conditions addressing the proposed project impacts in the Critical Area are as follows:

1. The applicant may not create any disturbance within the Critical Area including cutting, clearing or grading for site preparation until a Mitigation Plan is approved by the Commission staff. The Mitigation Plan must include the size, number, spacing and type of species to be provided, and adequate provisions for survivability and maintenance of the plantings. With the exception of the proposed 7.5 acre and 3.8 acre planting areas on site, the mitigation plantings must be provided and established no later than one planting season after the commencement of site preparation activities including cutting, clearing and grading in the Critical Area.
2. Prior to commencement of disturbance from site preparation by cutting, clearing or grading within the Critical Area, both of UniStar's conservation easements will be submitted to Commission staff and will be finalized. The easements shall provide (1) protection of 63.4 acres of existing Forest Interior Dwelling Birds (FIDs) habitat on the

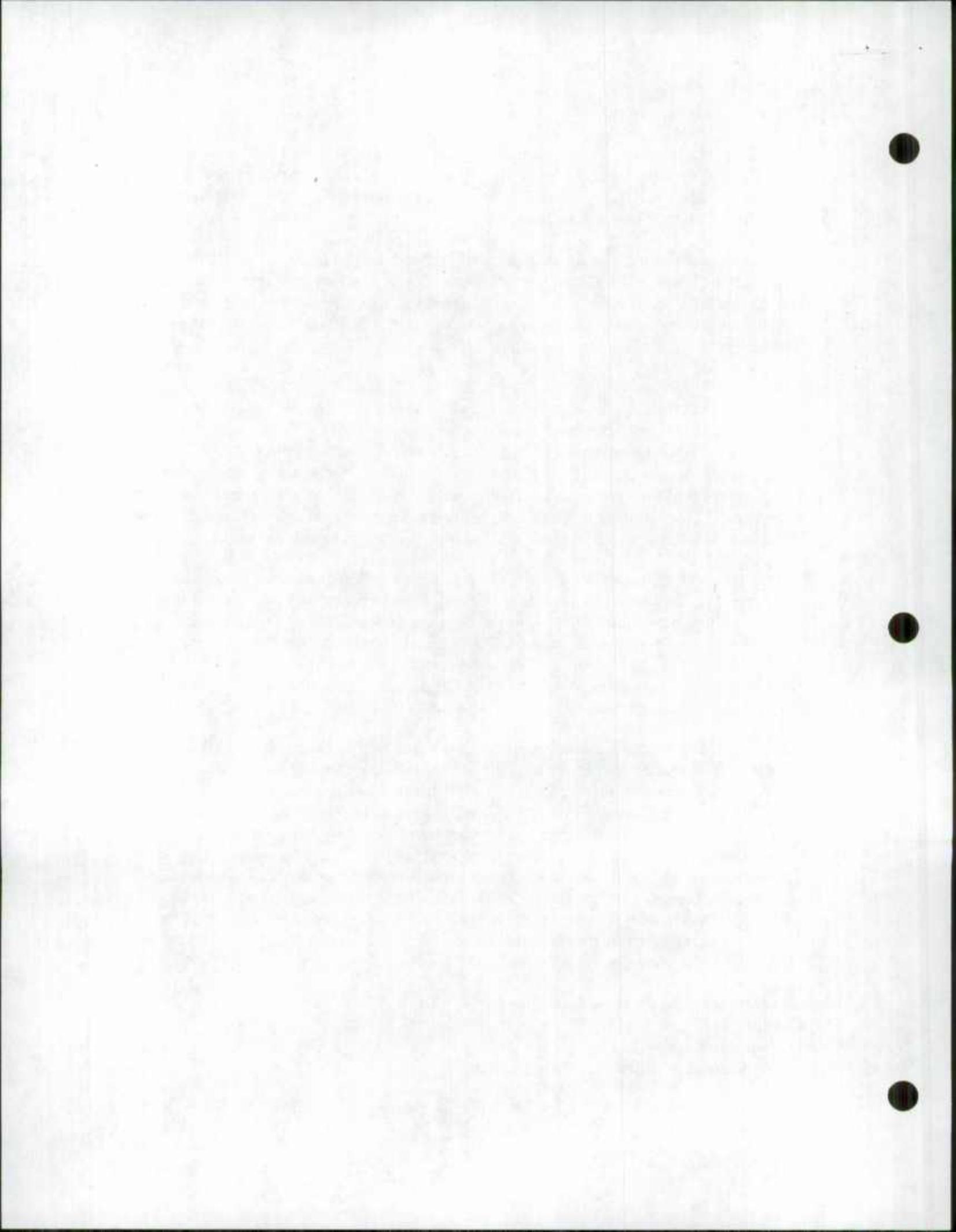


Calvert Cliffs Nuclear Power Plant property in the Critical Area; and (2) a 6.64 acre off-site Critical Area Buffer at the Battle Creek property or a similar property on which Buffer plantings will be provided. The easements shall be held by an appropriate environmental trust or governmental entity.

3. Prior to commencement of site clearing and grading activities in the Critical Area, UniStar shall initiate the planting of native tree species in a 16.4-acre area of cleared field located in the Critical Area to the north of the Project area, as described in the Mitigation Plan. Mitigation plantings in this area will be completed no later than one planting season after the site clearing and grading activities begin.
4. Upon establishment of final grades and cessation of disturbance in the Critical Area, UniStar shall create approximately 7.5 acres of forested wetland, plant approximately 3.8 acres of upland forest, and restore/enhance streams in the Critical Area, in accordance with the Mitigation Plan approved by Commission staff. The plantings in the 3.8 acre and 7.5 acre planting areas shall be completed no later than the first planting season after establishment of final grades and cessation of disturbance in the Critical Area. The stream restoration/enhancement project shall disturb no more than 2.3 acres, shall not exceed a width of 50', and shall replace trees cleared from the stream corridor at a ratio of 1:1.
5. If the proposed third unit at Calvert Cliffs Nuclear Power Plant does not receive all of the required State and federal approvals or does not become operational for any reason, and if any disturbance of the Critical Area has occurred on site, UniStar shall plant the area disturbed onsite, and in addition, provide a portion of the Mitigation Plan plantings based on the amount of Buffer and FIDs habitat disturbance that has been created from clearing, grading, structures or impervious surfaces. The planting and additional mitigation shall be accomplished in accordance with the Mitigation Plan.
6. The Initial Recommended Licensing Conditions proposed and filed on July 16, 2008, by the Power Plant Research Program of the Maryland Department of Natural Resources (PPRP conditions) for incorporation into a Certificate of Public Convenience to be issued to UniStar by the Maryland Public Service Commission (PSC), as may be modified and approved by final order of the PSC, are incorporated herein by reference, and are made conditions of the Critical Area Commission's approval. 15 of the most relevant conditions addressing the proposed project impacts in the Critical Area are set forth below. Because the Commission understands that the PPRP conditions may be modified or supplemented in the course of the PSC proceedings, the Commission accepted the Panel's recommendation that the Commission's approval be construed as incorporating the final PPRP conditions as approved by PSC.

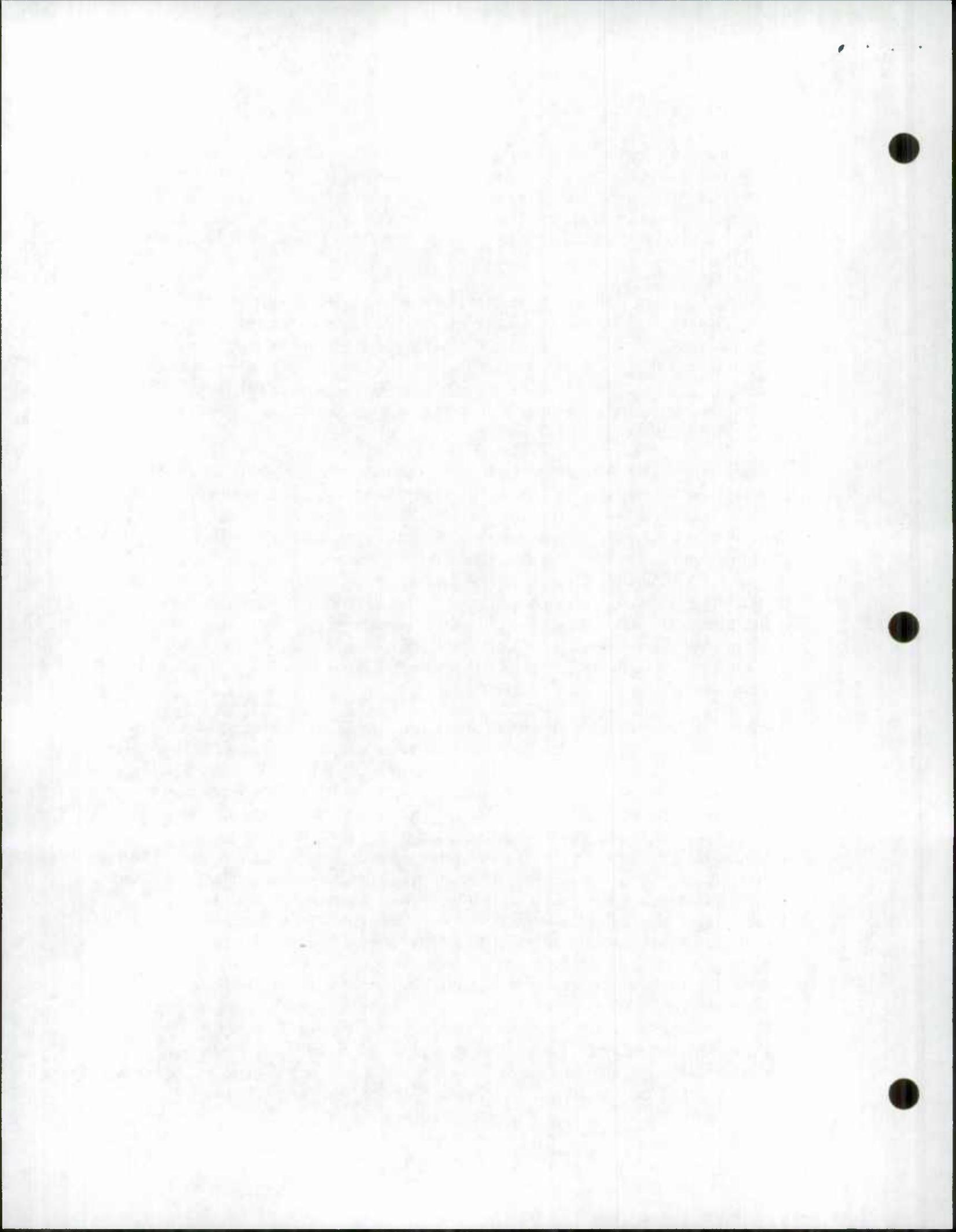
Initial Recommended Licensing Conditions
PSC Case No. 9127
UniStar Nuclear Energy, LLC
As Filed by State of MD PPRP on July 16, 2008

- Prior to construction, UniStar shall submit to the Maryland Historical Trust (MHT) a



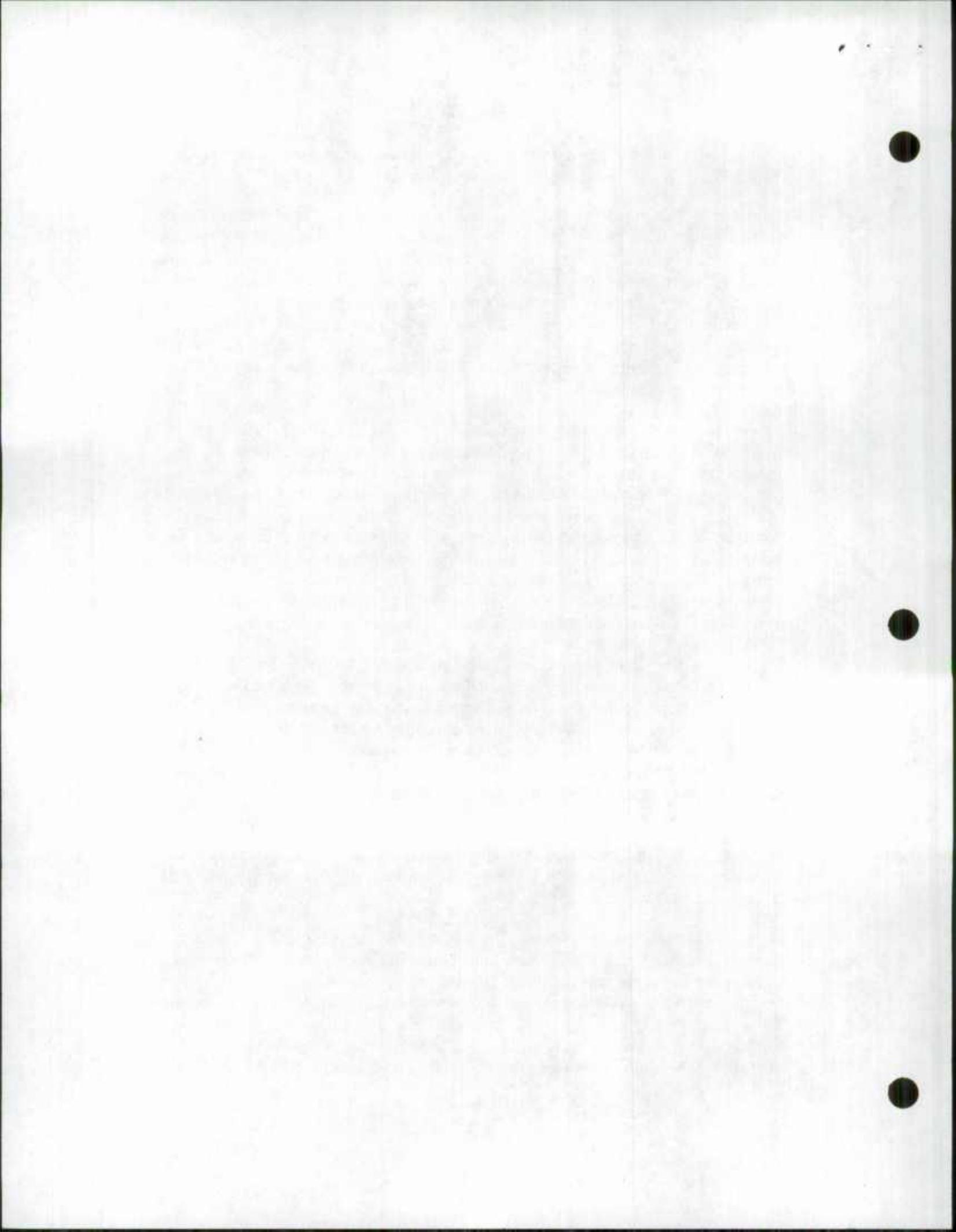
copy of training programs, or guidelines provided to applicant inspectors or contractors, to identify and/or protect unforeseen archeological sites that may be revealed during construction of the project. If such relics are identified in the project area, UniStar, in consultation with and as approved by MHT, shall develop and implement a plan for avoidance and protection, data recovery, or destruction without recovery of the properties adversely affected by the project.

- Prior to construction, UniStar shall execute an MOA with MHT to mitigate the adverse effects of site preparation and construction upon on-site cultural resources that are eligible for the National Register of Historic Places. No site preparation activities (such as clearing or grading) or construction activities having the potential to affect historic properties will take place within the limits of National Register-eligible archeological or structural resources, and no removal or demolition of eligible structures will take place until an MOA has been executed.
- All portions of the power plant and rights-of-way disturbed during construction shall be stabilized immediately after the cessation of construction activities within that portion of the footprint and right-of-way, followed by seed application, except in actively cultivated lands, in accordance with the best management practices presented in the MDE document 1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control, and as approved by Calvert County. In wetlands and wetland buffers, seed application shall consist of the following species: annual ryegrass (*Lolium multiflorum*), millet (*Setaria italica*), barley (*Horedum* spp.), oats (*Uniola* spp.), and/or rye (*Secale cereale*). Other non-persistent vegetation may be acceptable, but must be approved by the MDE Water Management Administration. Kentucky 31 fescue shall never be used in wetlands or buffers.
- UniStar shall construct the facilities for Calvert Cliffs Unit 3 in accordance with a Forest Conservation Plan (FCP) that has been approved by the Maryland Department of Natural Resources Forest Service. The FCP shall define forested areas to be cleared during project construction, as well as forested areas that will remain under permanent protection as mitigation. The FCP must describe site management techniques used during construction (e.g., protective measures, equipment used, stress reduction measures, etc.), or make reference to a sediment control plan prepared for the project that also incorporates protective measures for trees. In addition, so as to minimize forest losses, cleared areas that are no longer in use following project construction (e.g., laydown areas) shall be replanted with tree species appropriate for the area. Tree planting and maintenance should be conducted in accordance with the State Forest Conservation Technical Manual 3rd edition, 1997, and COMAR 08.19.04.05B(4)(a). Areas not replanted with trees shall be vegetated with grasses. Grasses will be planted along streams and other open areas where acceptable. If the areas along streams are wetlands or wetland buffers, only grasses listed in Condition -, or others approved by MDE WMA, shall be used. If areas along streams are uplands, the following grass species may be used: blue joint grass (*Calamagrostis canadensis*), switchgrass (*Panicum virgatum*), little bluestem (*Schizachyrium scoparium*), or Indian grass (*Sorghastrum*

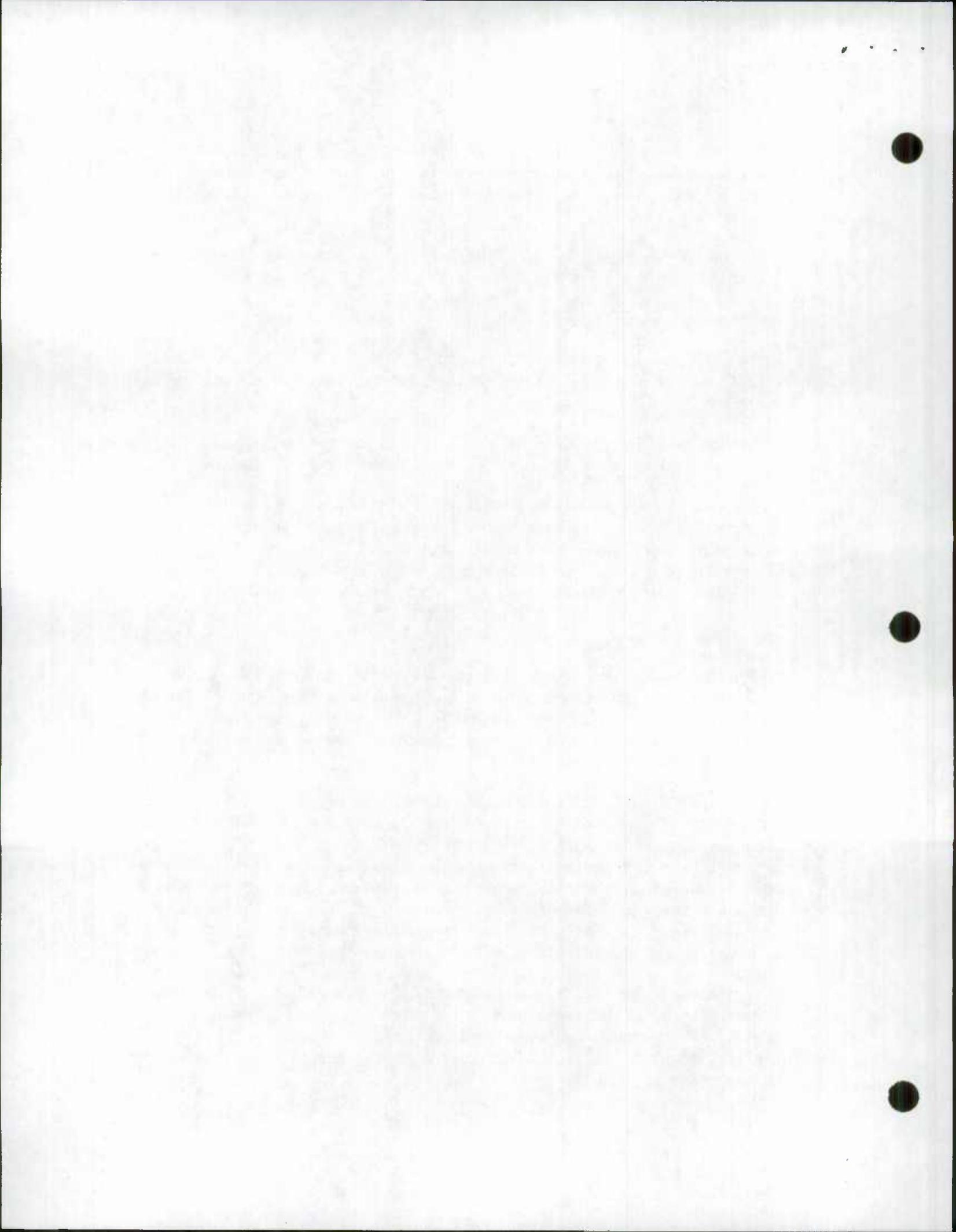


nutans). Other non-persistent vegetation may be acceptable, but must be approved by DNR or MDE WMA. Kentucky 31 fescue shall never be used.

- For the protection of bald eagles (*Haliaeetus leucocephalus*) at the project site, UniStar shall follow the State's standard guidelines for nest site protection (see DNR Heritage Letter dated 23 June 2008). If these guidelines cannot be followed, an incidental take permit will be required for disturbance to or removal of any bald eagle nests. If take of the Camp Conoy nesting territory cannot be avoided, consideration should also be given to protecting the Rocky Point area of the property for nesting eagles. It should be understood that acquiring a State permit for take of a bald eagle does not carry any authority for take under the federal Bald and Golden Eagle Protection Act as administered by the USFWS.
- For the protection of showy goldenrod (*Solidago speciosa*), UniStar shall take steps to avoid habitat alteration during the proposed construction activities. Mitigation for impacts to this population through transplanting individuals is discouraged. Transplanting of threatened or endangered plants is not considered a substitute for the protection of existing populations and may result in limited or no conservation value. However, since threatened and endangered plants are the property of the landowner, transplanting such species is not illegal provided the plants are not transported off the property. If such an action is pursued, adherence to DNR's guidelines for the reintroduction of rare plants is recommended. Prior to construction, the site should be accessible to DNR Heritage botanists to confirm the identity of the showy goldenrod.
- For the protection of the two species of State endangered, federally threatened tiger beetles (northeastern beach tiger beetle and Puritan tiger beetle) that are known to occur along the Chesapeake Bay shoreline and proximal to the project site, no construction activities shall occur within 500 feet of any cliff or beach habitats that are suitable for either species. Administrative controls that restrict personnel access to beaches shall be implemented. UniStar shall allow DNR to access the shoreline as requested to conduct surveys to examine the health of tiger beetle populations.
- To compensate for impacts to American eel (*Anguilla rostrata*) caused by loss and degradation of stream habitat due to construction of the Unit 3 facilities, prior to disturbing any eel habitat onsite, UniStar shall prepare and submit a mitigation plan to DNR Fisheries Division for approval.
- To minimize impacts to American oyster (*Crassostrea virginica*) in the Flag Pond Oyster Bar area, UniStar shall either (a) not conduct dredging associated with this project in the Chesapeake Bay during the periods of December 16 to March 14 and June 1 to September 30 in any year and prepare and submit a mitigation plan, prior to conducting any dredging, for approval by DNR Fisheries Division; or (b) prepare and submit an application for a waiver or reclassification of the oyster bar within 500 yards of the area of disturbance, prior to conducting any dredging, for approval by DNR Fisheries Division.



- Construction and operation of the Calvert Cliffs Unit 3 power facility and all its appurtenant features shall be undertaken in accordance with this CPCN and shall comply with all applicable local, State, and Federal regulations, including but not limited to the following:
 - a. Nontidal Wetlands—COMAR 26.23 applies to activities conducted in nontidal wetlands.
 - b. Waterway Construction—COMAR 26.17.04 applies to activities in State waterways.
 - c. Water Quality and Water Pollution Control—COMAR 26.08.01 through COMAR 26.08.04 apply to discharges to surface water and maintenance of surface water quality.
 - d. Erosion and Sediment Control—COMAR 26.17.01 applies to the preparation, submittal, review, approval, and enforcement of erosion and sediment control plans.
- UniStar shall obtain applicable State and federal dredge-and-fill and waterway construction permits for the Chesapeake Bay intake and discharge facilities and for the barge facility modifications. UniStar shall not commence construction on any aspect of the project under the jurisdiction of Section 404 of the Clean Water Act covered by the *Joint Federal/State Application for the Alteration of Any Floodplain Waterway, Tidal or Nontidal Wetland in Maryland*, until such application has been approved by the U.S. Army Corps of Engineers and MDE.
- UniStar shall not commence construction on any aspect of the project under the jurisdiction of the Chesapeake Bay Critical Area Commission (CAC) until it has received approval of the proposed Unit 3 project from the CAC. All site preparation, preconstruction, and construction activities at the site shall be implemented in accordance with the CAC-approved plans.
- Portions of the Calvert Cliffs Unit 3 construction footprint adjacent to existing forested nontidal wetlands shall comply with Best Management Practices for Nontidal Wetlands of Special State Concern and Expanded Buffers, COMAR 26.23.06.03, which provides for stringent best management practices in the vicinity of very sensitive nontidal wetlands sites. These practices and techniques will include use of adequately sized temporary sediment traps, as needed, as well as super silt fencing and other specialized techniques specifically needed for limiting the quantity of sediment entering existing forested wetlands and streams during the power facility construction process.
- At a minimum, sediment control during construction of all aspects of this project shall include the following Best Management Practices: construction of earth dikes and retaining walls in appropriate locations, sediment traps, use of super silt fences, stabilizing disturbed areas as quickly as possible, and converting silt traps to permanent features as soon as practicable.



Mr. Bright
August 18, 2008
Page 6 of 6

- In the event that UniStar commences site preparation/preconstruction activities and subsequently either (a) the U.S. Nuclear Regulatory Commission (NRC) does not issue an operating license, or (b) UniStar decides not to proceed with construction and operation of Calvert Cliffs Unit 3, UniStar shall be responsible for returning the site to a long-term environmentally stable condition. If either (a) or (b) occurs, UniStar shall inform the PSC within sixty (60) days and at the same time will describe specific measures that will be taken to stabilize the site. Such measures will depend upon the status of site preparation or preconstruction that has already occurred; however, at a minimum, UniStar must consider appropriate actions to address the following areas:
 - Stormwater management measures and erosion/sediment control as required by Conditions and -;
 - Wetlands mitigation and buffering as required by Conditions d and -, and as specified in the joint federal/State wetlands permit;
 - Revegetation and reforestation as required by Conditions - and -, and as specified in the approved Forest Conservation Plan;
 - Protection for species and habitats as required by Conditions -, -, -, -, and -, and as specified by the Chesapeake Bay Critical Area Commission and the joint federal/State wetlands permit; and
 - Mitigation for cultural resource impacts as required by Condition -, and as specified in the Memorandum of Agreement (MOA) with Maryland Historical Trust (MHT).

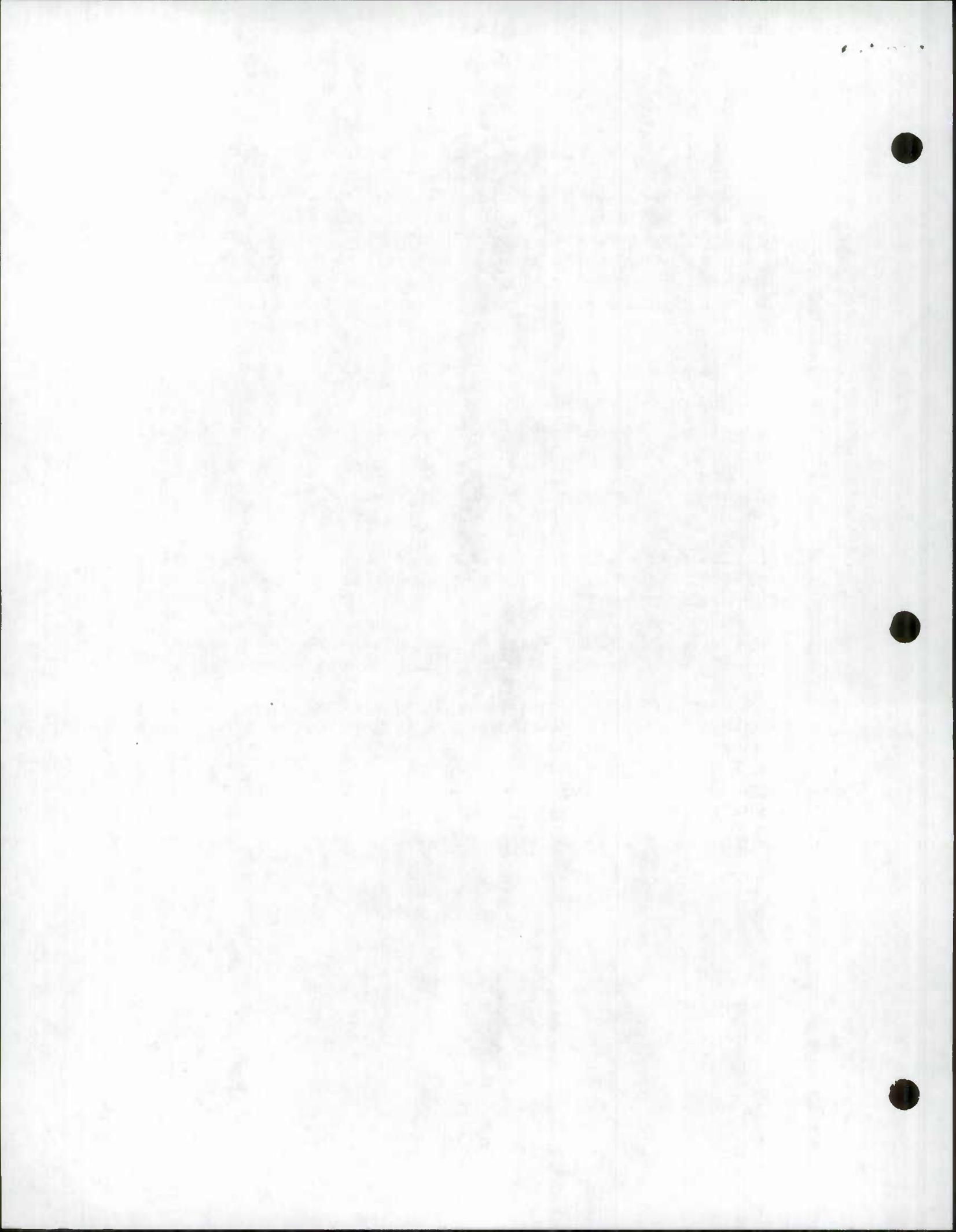
UniStar shall obtain PSC and Maryland Power Plant Research Program (PPRP) approval of its site stabilization plan and shall complete implementation of the approved plan on the schedule outlined in the plan.

Should you have any questions about the CAC's action or its conditions of approval for the Calvert Cliffs Nuclear Power Plant expansion project, please feel free to contact me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resource Planner



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

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August 18, 2008

Ms. Kathy Shatt
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Finizio, Tobin Family Subdivision
S 04-132, P 04-0242

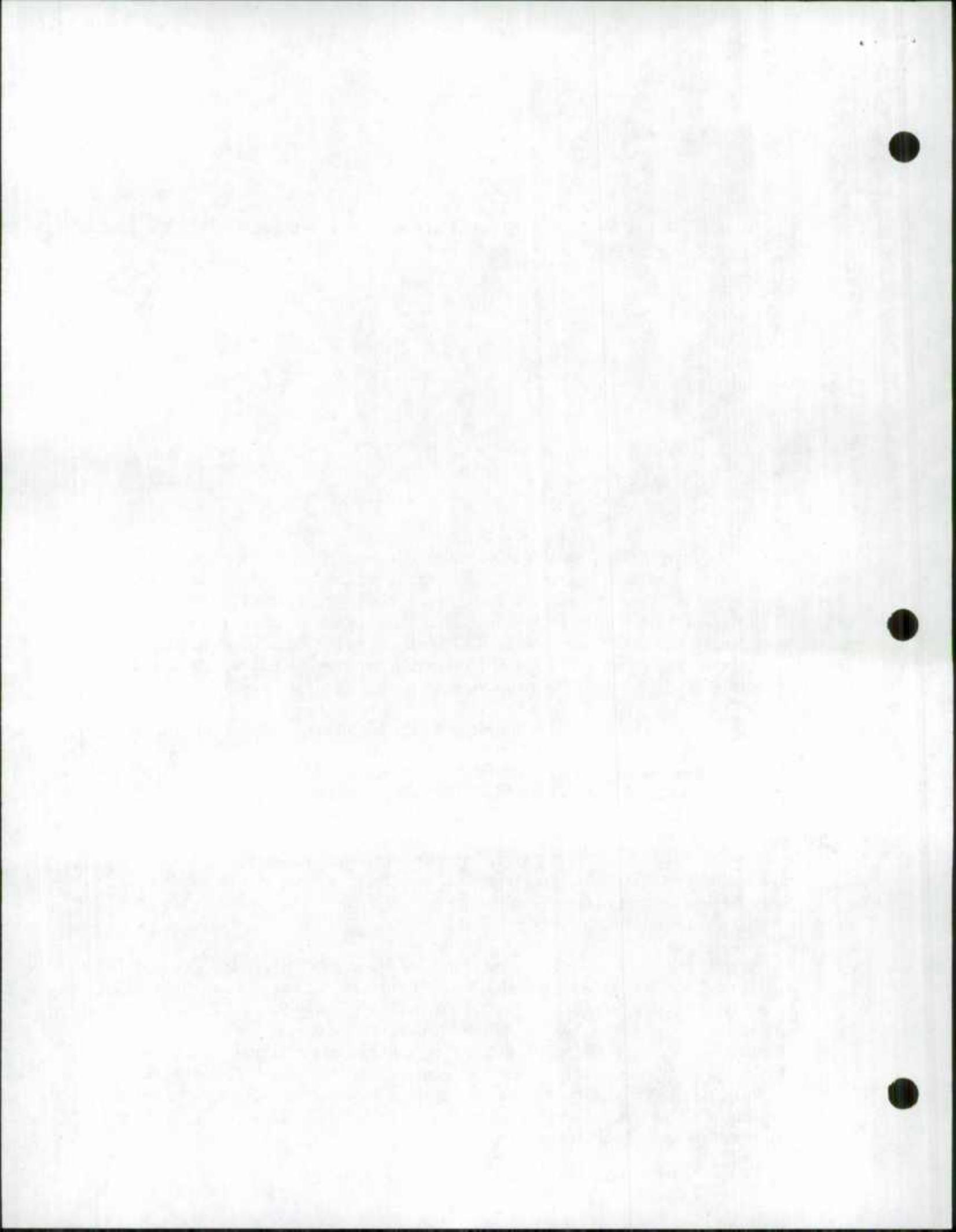
Dear Ms. Shatt:

Thank you for forwarding the above-referenced subdivision request. The applicant proposes to subdivide an existing 28.56 acre property into five lots with construction of a single family dwelling and driveway on each lot, construction of a road, and several conservation parcels and open space parcels. 22.73 acres of the property are within the Critical Area, are designated as a Resource Conservation Area (RCA) and at least a portion of all five proposed lots are within the Critical Area. The property is currently undeveloped. The applicant has addressed some of this office's comments from my March 11, 2008 letter and I have outlined my remaining comments below:

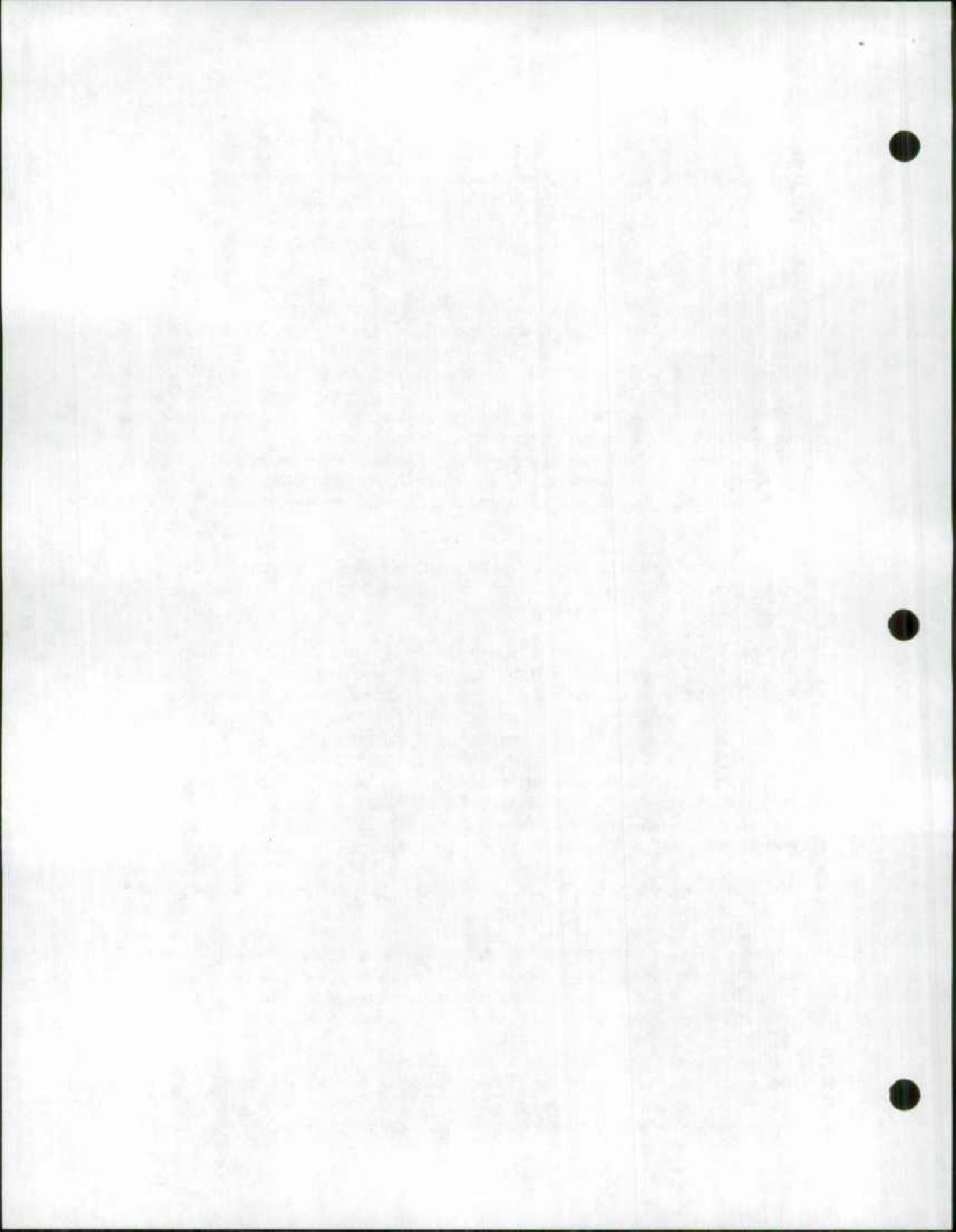
1. Please provide the acreage of the portion of each proposed lot that is in the Critical Area.
2. According to our records, the majority of the property is mapped as Forest Interior Dwelling Birds (FIDs) habitat. Where disturbance of FIDs habitat is proposed, the applicant must complete and submit a FIDs worksheet in order to calculate the extent and type of disturbance to the existing FIDs habitat, and the resulting mitigation requirement for the disturbance. Additionally, a habitat protection plan may be necessary. While the applicant notes that they have generally met the guidelines for minimization of disturbance to the FIDs habitat by proposing development on the edge of the canopy, mitigation for the disturbance is still required and the worksheet must be provided.
3. Plat note #18 states that the applicant will provide 3.77 acres of FIDs habitat mitigation through a mitigation bank. It is unclear what this means. This office is not aware of an established FIDs mitigation bank through the County or otherwise. If the applicant means to indicate that the 3.77 acres of FIDs mitigation will be provided in an offsite location, please have the applicant provide information about the offsite property and a planting plan. We note that any offsite FIDs mitigation planting area must be placed in an easement, and must be located adjacent to an area of existing FIDs habitat that is at least 50 acres and is permanently protected by an easement or other permanent restrictions which prohibit future cutting or clearing in order to guarantee that the area will remain suitable FIDs habitat.

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4. A note in the forest calculations included on the plans states that even though 3.7 acres of existing forested area will be removed within the Critical Area for development of the proposed five lots, no forest canopy is to be removed. Please have the applicant clarify how this will be accomplished, given the fact that large areas will be cleared for construction of the proposed dwellings.
5. We note that as requested, the applicant has provided information about the restrictions associated with a conservation property designation in plat note #4. Please provide information that explains how these conservation properties are different from the proposed open space properties. We recommend that if the open space property designation does not already provide such restrictions, that the proposed open space areas be placed in a forest conservation easement to ensure that there will be no future cutting or clearing in these areas. Also, if the proposed conservation and open space areas will be subdivided as separate parcels from the residential lots, please have the applicant include notations on the plat and plans that no development rights are associated with these parcels, that no development activities or impervious surfaces are allowed within the parcels, and only passive recreational uses of these areas are allowed.
6. According to our records, there is a large tidal wetland on the northern end of proposed lot one. Please have a certified wetland delineator confirm whether this is the case and include it on future plat submittals where appropriate.
7. Plat note # 20 states, "The 20' wide access right of way to Recreation Area is to allow only 6' wide clearing for mulch path, and no tree canopy shall be disturbed for clearing of path." However, in our previous letter, this office indicated that no clearing or grading should be done to establish the path. Please have the applicant amend the notes on the plans and plat so that it is clear that no clearing will be done for establishing the path.
8. We note that as requested, the applicant has submitted a request for a current letter from Maryland Department of Natural Resources' Wildlife Heritage Service (WHS) confirming that there are no rare, threatened or endangered species or other Habitat Protection Areas on the property. Please submit this letter with future submittals once it is received.
9. Please have the applicant modify plat 2 of 3 so that the proposed septic area on lot 3 is not shown overlapping into proposed conservation property #7.
10. There are several notes on the plat and plans stating, "no disturbance, clearing, cutting, trimming, storage or structures will be permitted." Please have the applicant revise these notes so that they reference an area in which these restrictions will apply. Also, locating impervious surfaces within these areas should be included with the other restrictions.
11. Plat note #2 states, "the buffer in the critical area is 50' except areas, shown with expanded buffers." It is unclear what is meant by this note because there is a minimum 100-foot Buffer in the Critical Area and it is expanded to include contiguous slopes 15% or greater or hydric soils. The County's Critical Area program requires that the Buffer expansion for contiguous steep

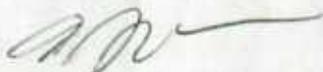


Ms. Shatt
August 18, 2008
Page 3 of 3

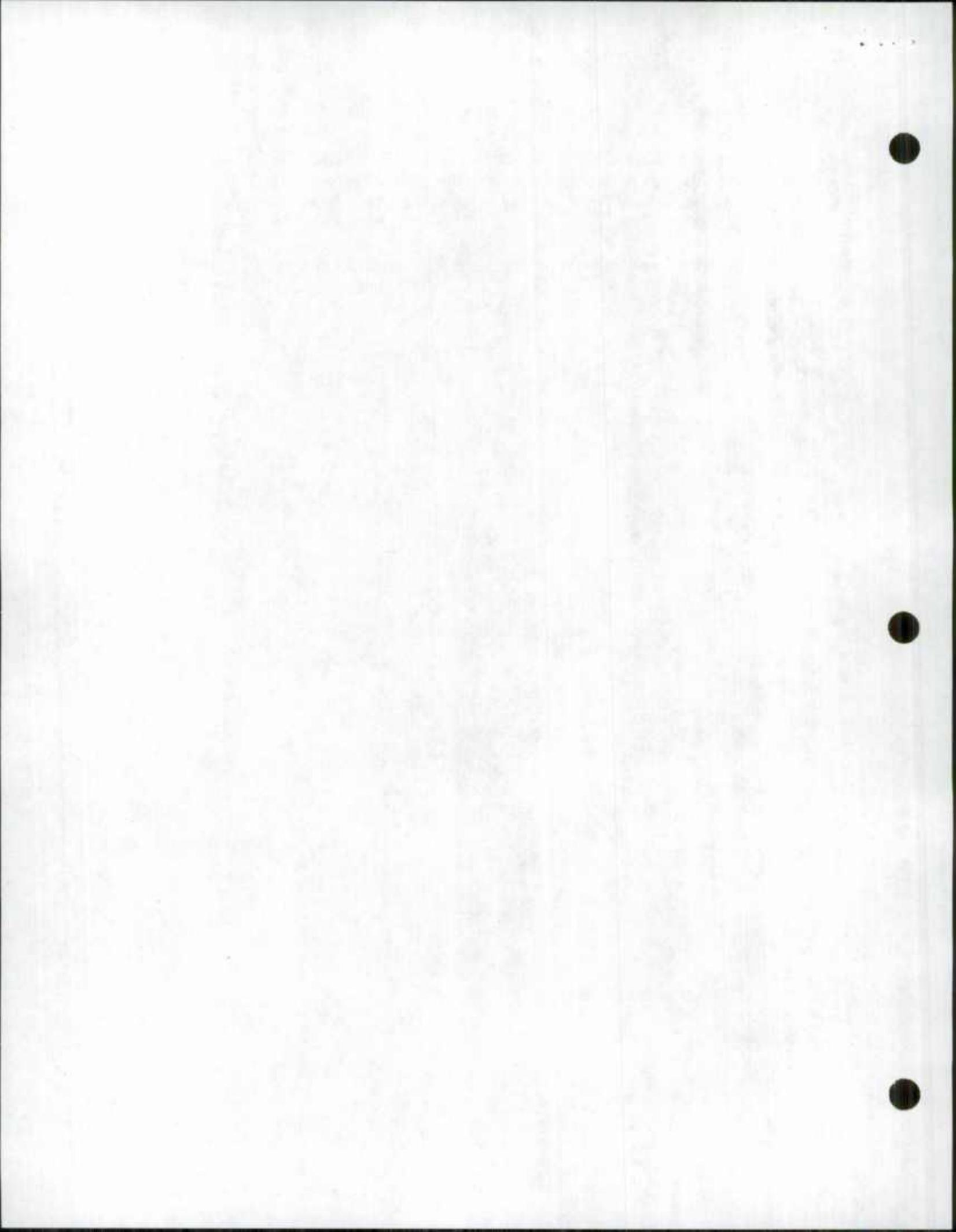
slopes include 50 feet from the top of the slope. When the 100-foot Buffer must be expanded in this manner, the expanded Buffer takes the place of the 100-foot Buffer. Therefore, there is no separate 50-foot Critical Area buffer. Please have the applicant delete or rephrase the note accordingly.

Thank you for the opportunity to comment. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AA 863-04, AA 167-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 20, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

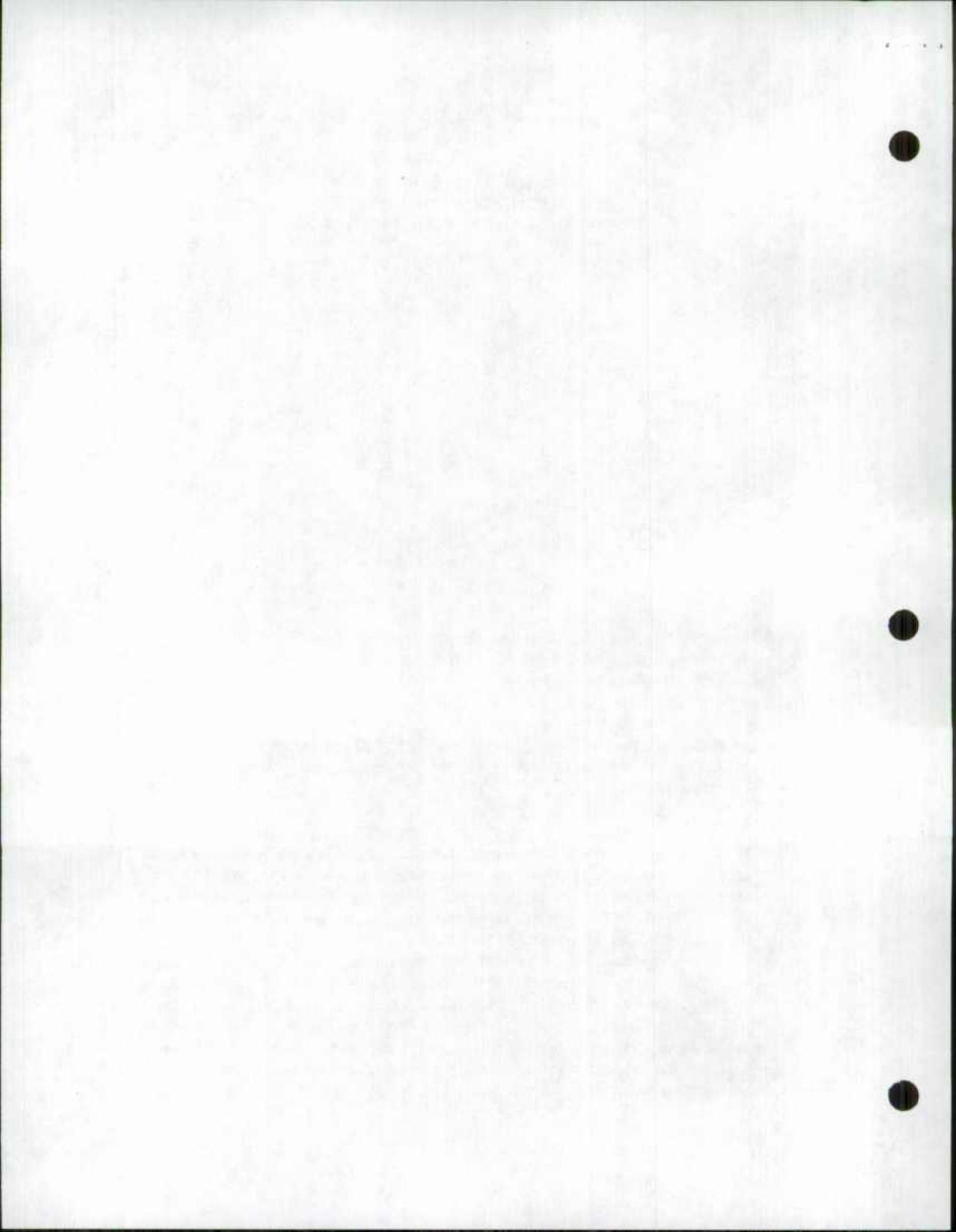
Re: Mantee Property
S08-018, P08-0045

Dear Ms. Krinetz:

Thank you for forwarding a resubmittal for the above referenced subdivision request. The project consists of the subdivision of an existing 5.08 acre lot which is developed with one existing dwelling and driveway, into five residential lots with construction of four new dwellings and driveways on the additional lots, and abandonment of a portion of an existing forest conservation easement area. The property is within the Critical Area and is designated as a Limited Development Area (LDA). The applicant has addressed most of this office's comments from my April 10, 2008 letter. I have outlined my remaining comments below:

- 1) We note that as requested, the applicant has reconfigured the proposed subdivision so that no clearing is proposed within the existing forest conservation area. However, the plans still show the boundaries of proposed lots 4 and 5 within the existing forest conservation area, and additionally, the boundaries of proposed 2 and 3 are within the proposed forest conservation areas. We recommend that the boundaries for lots 2 through 5 be revised so that they do not intrude into the conservation areas. Also, if the lot lines will abut the existing and proposed forest conservation areas, we recommend that the applicant provide signage or fencing to provide notice to the property owners that no cutting, or clearing may be done and no structures or impervious surfaces may be located in these areas. If the applicant has drawn the lot lines within the forest conservation area in order to meet the 25% impervious surface limit for lots smaller than one acre within a subdivision, we note that as of July 1, 2008, the State Critical Area law changed





Ms. Krinetz
August 20, 2008
Page 2 of 2

such that individual lots less than one acre within a subdivision are no longer restricted to a to 25% impervious surface limit, as long as the total lot coverage within the subdivision is less than 15% of the area of the subdivision. §1808.3(d), Ch. 119, 2008 Laws of Maryland.

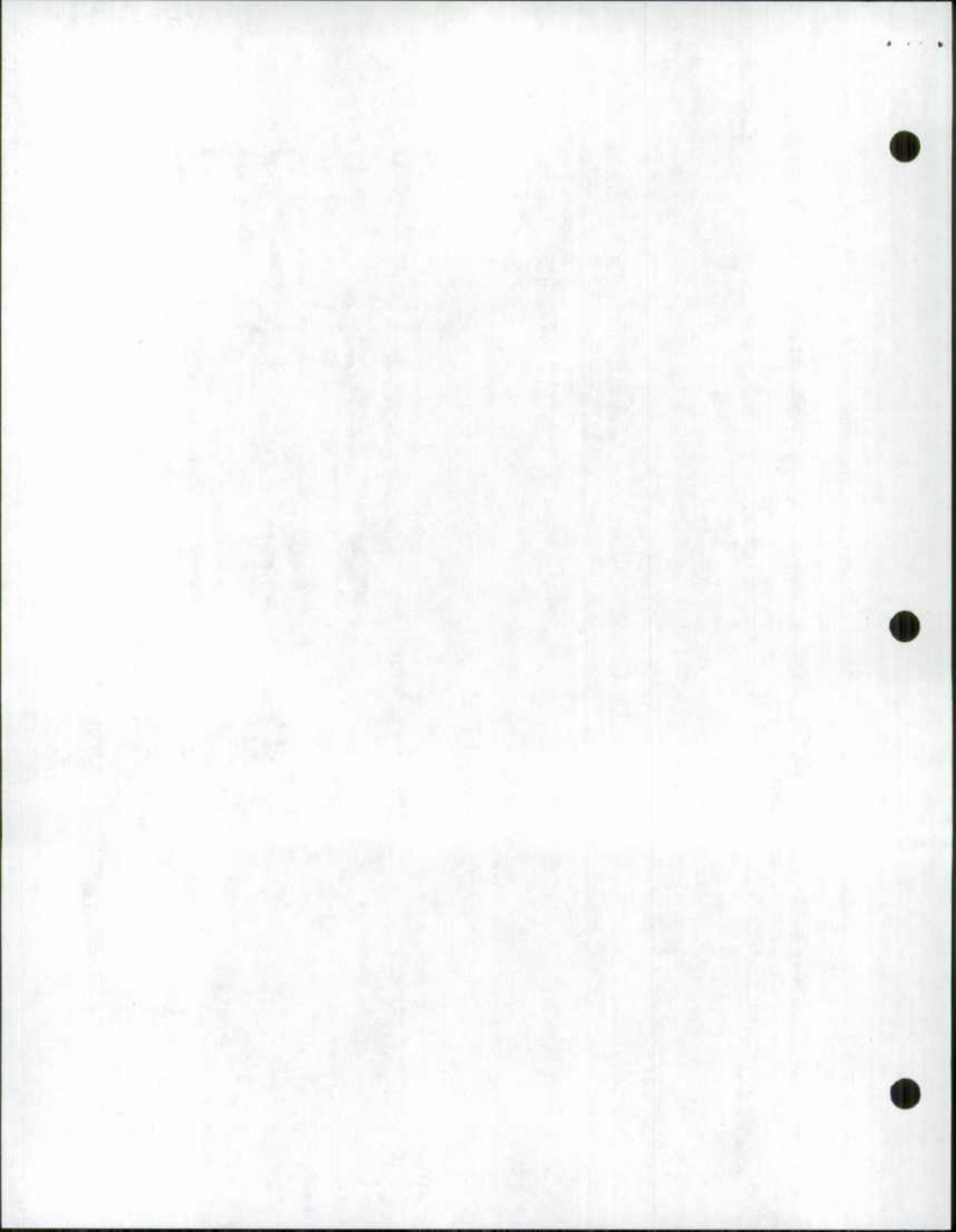
- 2) Please have the applicant specify whether the required mitigation for the 22,233 square feet of proposed clearing will be provided on site or by fee in lieu payment. If this will be done with plantings on site, the planting areas should be shown on the plat and plans and should be added to the proposed conservation areas.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AA 148-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 20, 2008

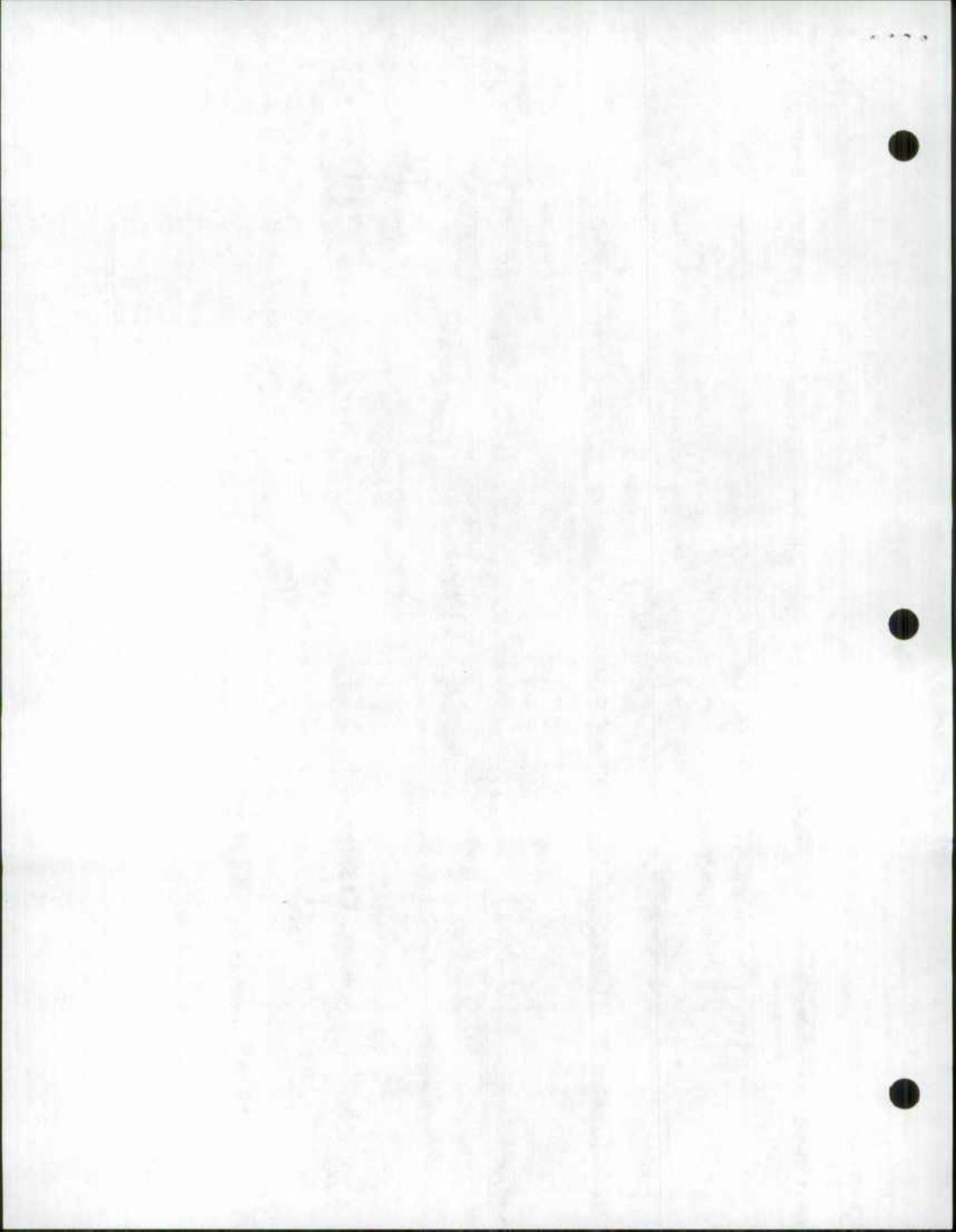
Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: 1922 Hidden Point Road
Modification #10046, G 0213198

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced modification request. The applicant has requested a modification to the County's requirement to provide a 25-foot buffer to slopes 25% or greater in order to construct a replacement dwelling on an existing grandfathered waterfront lot. The property is within the Critical Area, it is designated as a Limited Development Area (LDA), it is within the County's Buffer Modification Area (BMA) and it is currently developed with a single family dwelling, driveway, and pier. I have outlined my comments below.

1. Because it appears that the proposed redevelopment will take place within the footprint of the existing dwelling and will not be located any closer to the steep slopes on the property, this office does not oppose the requested modification to the 25-foot steep slope buffer.
2. The applicant must provide mitigation plantings for the area of disturbance within the Buffer at a 2:1 ratio, and must provide as many of these plantings as possible in the Buffer on the property in accordance with Anne Arundel County Code § 17-8-702(e).
3. It appears that the current and proposed development may exceed the County's lot coverage limit. While the applicant indicates that there will be a net decrease in the lot coverage as a result of the proposed development, it appears that the proposed lot coverage could be further reduced to come into conformance with the law to the extent feasible. For instance, there are two garages proposed which is excessive on a lot of this size. Also, the existing gravel circle driveway and



Ms. Krinetz
August 20, 2008
Page 2 of 2

parking area should be removed since a new driveway is proposed adjacent to this area.

4. The applicant should provide the following additional information to document that the proposed development will comply with the County's Critical Area program: the existing and proposed area of tree cover on the property, that mitigation will be provided for any proposed clearing, that mitigation will be provided at a 2:1 ratio for the proposed disturbance within the Buffer for the redevelopment, and a planting plan showing how all the mitigation requirements will be addressed.

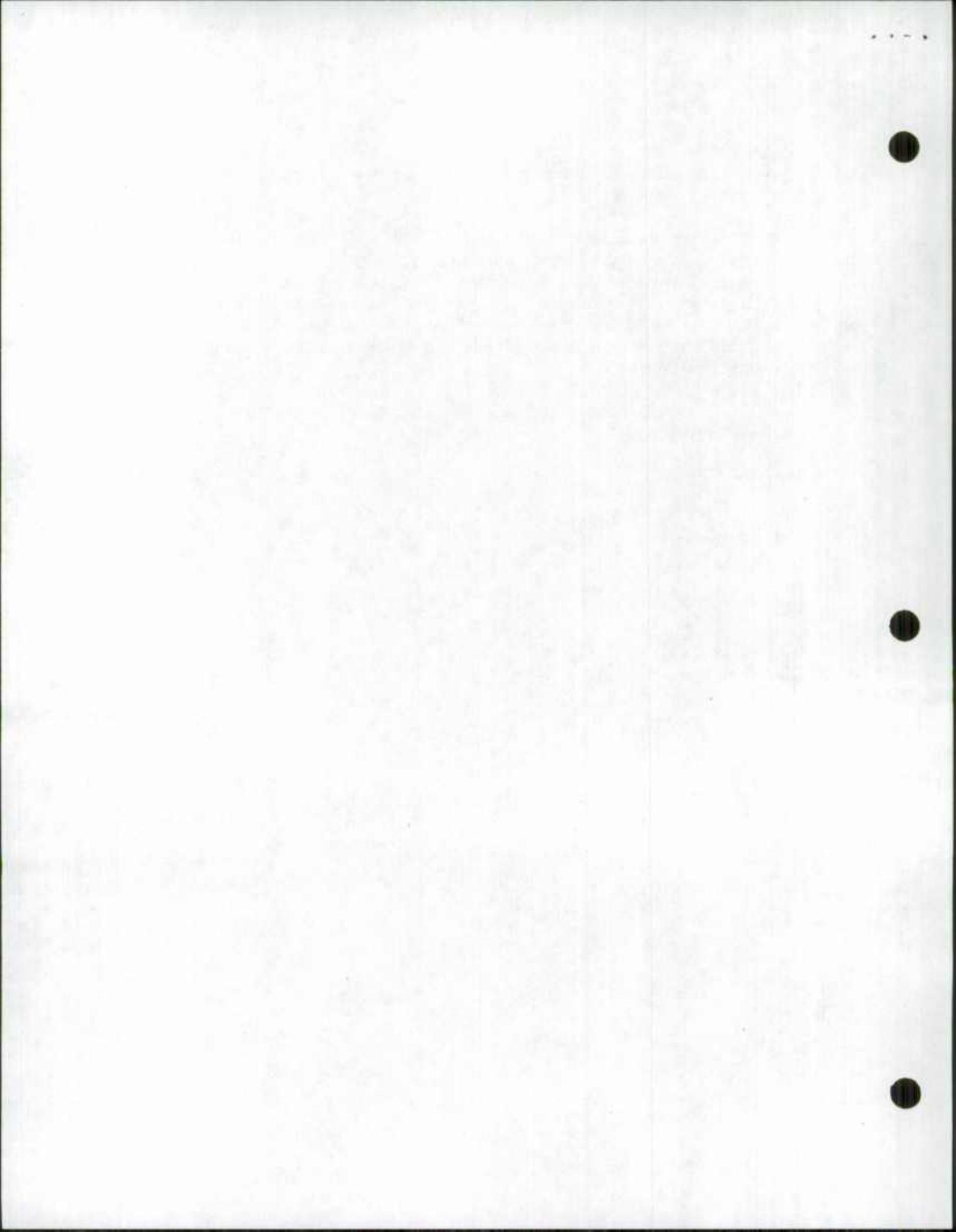
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 475-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 20, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Lamon's Landing
S 07-073, P 07-0219

Dear Ms. Krinetz:

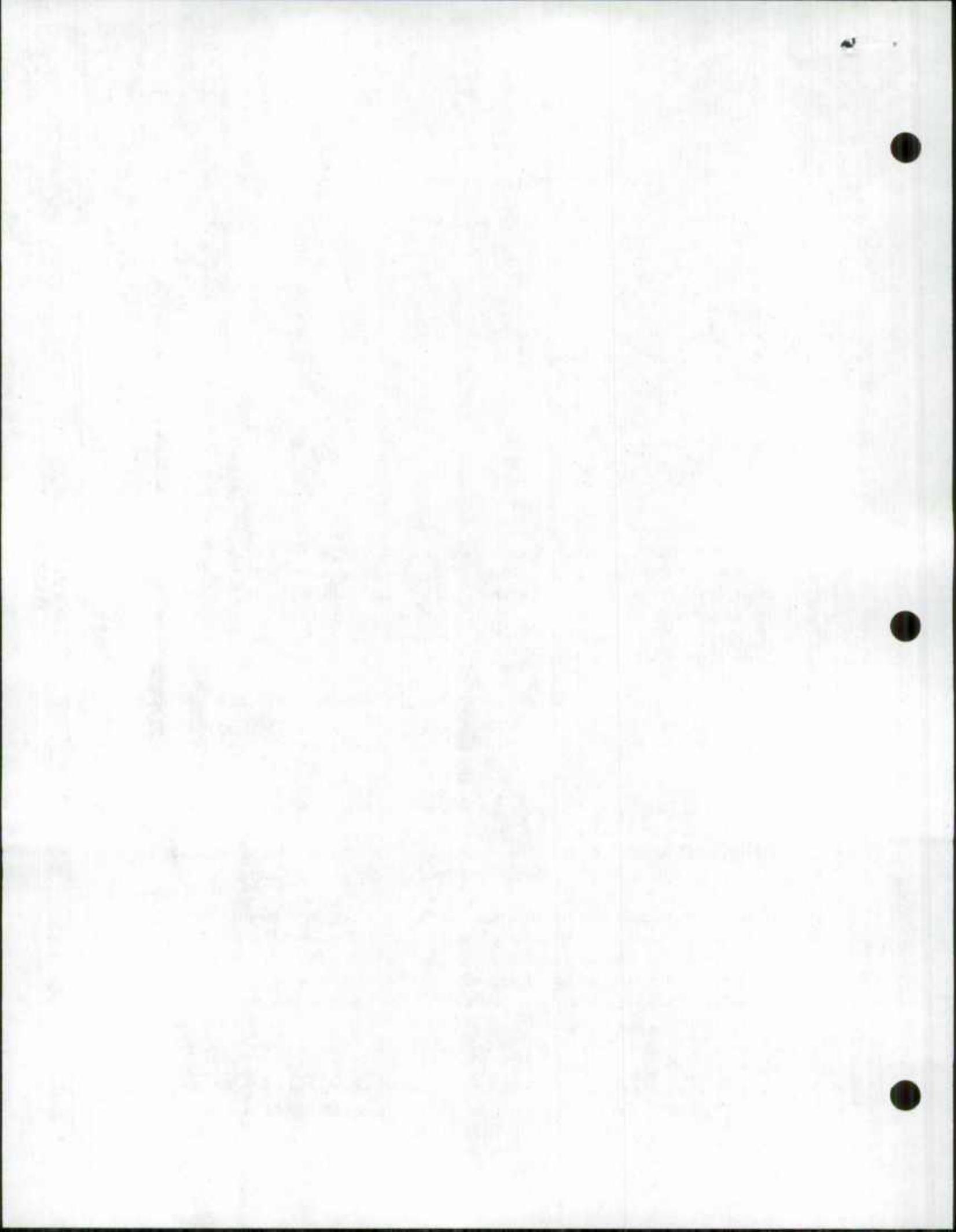
Thank you for forwarding the above-referenced subdivision application. The applicant proposes to subdivide an existing 4.26 acre parcel into a 10-lot subdivision, to construct new dwellings on nine of those lots and to retain an existing dwelling on the tenth lot. Eight of the proposed lots are within the 3.48 acre portion of the property that is in the Critical Area and designated as a Limited Development Area (LDA). The applicant has addressed this office's comments from my April 28, 2008 letter. I have provided my remaining comments below:

- 1) Please have the applicant indicate on the plans how the reforestation mitigation requirement for the proposed 0.5 acres of forest clearing will be addressed. If plantings will be provided on site, the applicant must place the planting area in an easement and provide a planting plan for the area.
- 2) COMAR 27.01.02.04.C(3)(c) requires that an area equal to 80% of the existing forested area be placed in a conservation easement. If there is not adequate space within the currently proposed footprint of development to place 80% of the existing forested area in a forest conservation easement, the applicant should adjust the proposed number or configuration of lots.
- 3) This office recommends that the proposed lot lines be removed from the proposed forest conservation easement area. If the applicant has drawn the lot lines within the forest conservation area in order to meet the 25% impervious surface limit for lots smaller than one acre within a subdivision, we note that as of July 1, 2008, the State Critical Area law changed such that individual lots less than one acre within a subdivision are no longer restricted to a 25% impervious surface limit, as long as the total lot coverage within the subdivision is less than 15% of the area of the subdivision. §1808.3(d), Ch. 119, 2008 Laws of Maryland.
- 4) The subdivision plat must contain information regarding existing and proposed lot coverage. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this

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Ms. Krinetz
August 20, 2008
Page Two

subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Anne Arundel County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that;

- a) The approved development plan remains valid in accordance with Anne Arundel County's procedures and requirements; and
- b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

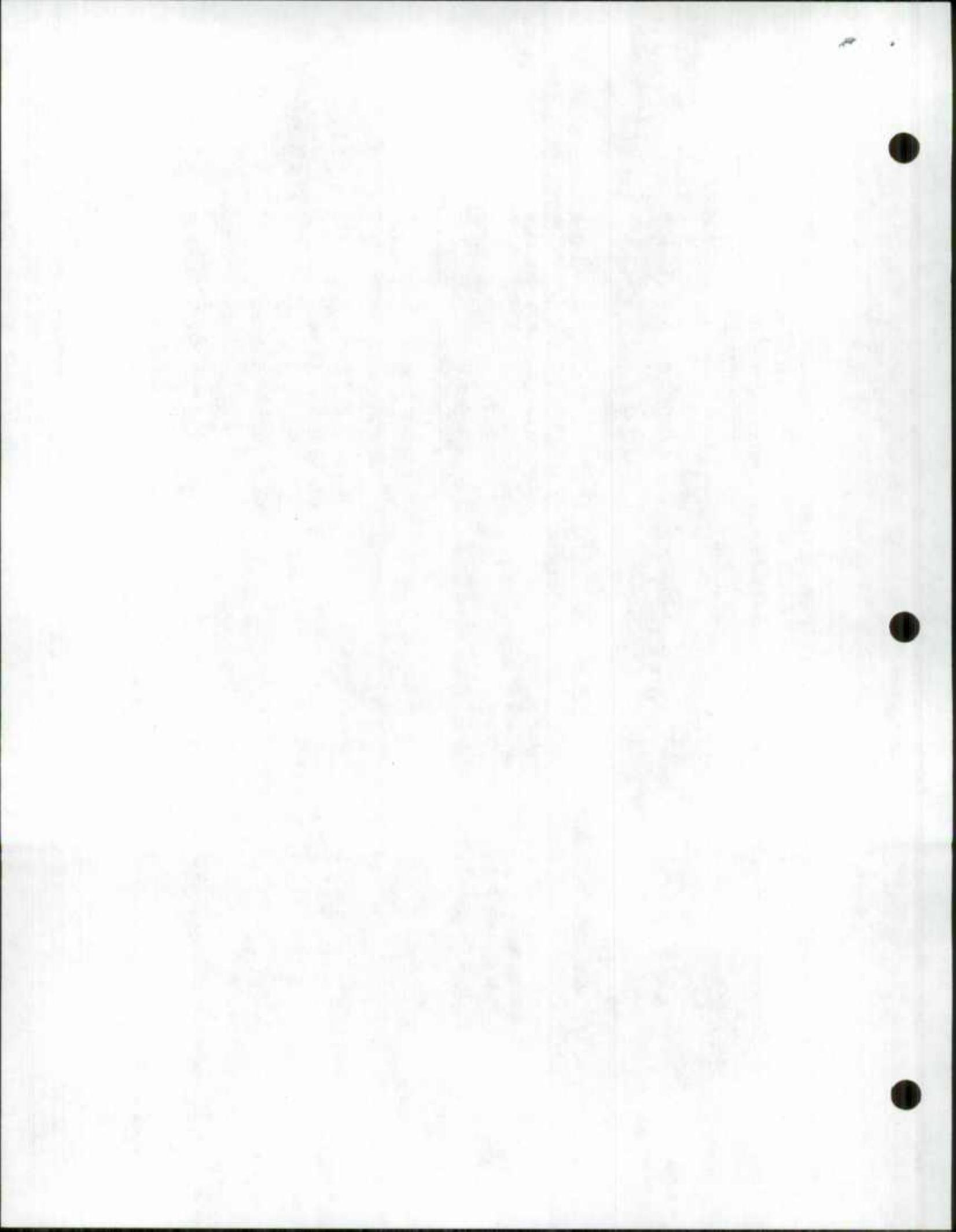
In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Anne Arundel County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AA 681-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 21, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Heritage Harbour Community Lodge Expansion
C08-0017, G02013333

Dear Ms. Krinetz:

Thank you for forwarding plans for the above-referenced project. The applicant proposes to construct a two story addition to an existing community building, to replace a retaining wall, to repave and expand the driveway to accommodate a fire lane, and to construct a new exterior stairway on the building. The 13.78 acre parcel is within the Critical Area and is designated as a Limited Development Area (LDA). The applicant has received the required variance for the proposed disturbance within the slope expanded Buffer for the proposed activities described above. I have outlined my comments on the project below:

- 1) Please have the applicant provide the acreage of the proposed impacts within the Buffer for each activity. This area is determined based on the area that is within the limit of disturbance for each proposed activity within the Buffer. We note that the applicant's plans show that mitigation will be provided at a 2:1 ratio for 516 square feet, which is the area of new lot coverage that is proposed for the project. However, mitigation must be provided for the total area of proposed disturbance in the Buffer from grading, clearing and the footprint of structures and lot coverage. It appears that the area of Buffer disturbance proposed for the building expansion, the road expansion, the retaining wall reconstruction, and the construction of the stairway is greater than 516 square feet. Also, mitigation for Buffer disturbance is required at a 3:1 ratio. Please have the applicant revise the mitigation calculations and planting plan accordingly to show that the total mitigation requirement will be addressed.
- 2) Please have the applicant clarify whether any clearing of forested area that is not within the Buffer is proposed. If so, this area of clearing must be mitigated as well and should be addressed in the revised mitigation planting plan.
- 3) The 13.78 acre property is currently developed with 125,604 square feet of impervious surface area or 21% of the property, which is in excess of the County's 15% limit for property within the LDA. While we note that the County has provided a letter indicating that the applicant is

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Ms. Krinetz
August 21, 2008
Page Two

allowed to calculate the 15% impervious surface limit based on the impervious surface area within the subdivision as a whole, neither the County's Critical Area program nor the State Critical Area law and regulations contain provisions that would allow for a property larger than one acre to be developed in excess of the 15% lot coverage limit, regardless of the total area of lot coverage within the subdivision. Therefore, no additional impervious surface area is allowed on this property. This office can not support approval of a site plan that will allow an applicant to develop a property in further nonconformance with County's Critical Area program. It appears there are ample opportunities to remove 516 square feet of existing lot coverage on the property such that there would be no net increase in lot coverage on the property as a result of this project. Therefore, this office recommends that the applicant identify an additional 516 square feet of existing lot coverage that will be removed. If future redevelopment of the property will require an increase in impervious surface area, the use of growth allocation would be appropriate.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 49-08, AA 235-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 22, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: White Rocks Marina
C 08-006000NC

Dear Ms. Krinetz,

Thank you for forwarding the above referenced site plan for review and comment. The applicant proposes to construct a deck on an existing restaurant on a 6.84 acre property that is currently developed as a marina. The deck will be located outside of the 100-foot Buffer and will be constructed over existing lot coverage. The property is within the Critical Area and is designated as a Limited Development Area (LDA).

Because the deck will be constructed over existing lot coverage and outside of the Buffer, it does not appear that the proposed deck construction raises any Critical Area concerns. We note that the existing footprint of lot coverage on the property exceeds the LDA 15% limit and that the marina was developed prior to the County's implementation of its Critical Area program. It does not appear that the proposed deck will create new lot coverage or alter the existing footprint of lot coverage. If the property is redeveloped in the future such that the footprint of lot coverage is increased or altered, the property must come into compliance with the lot coverage requirement to the extent feasible at that time.

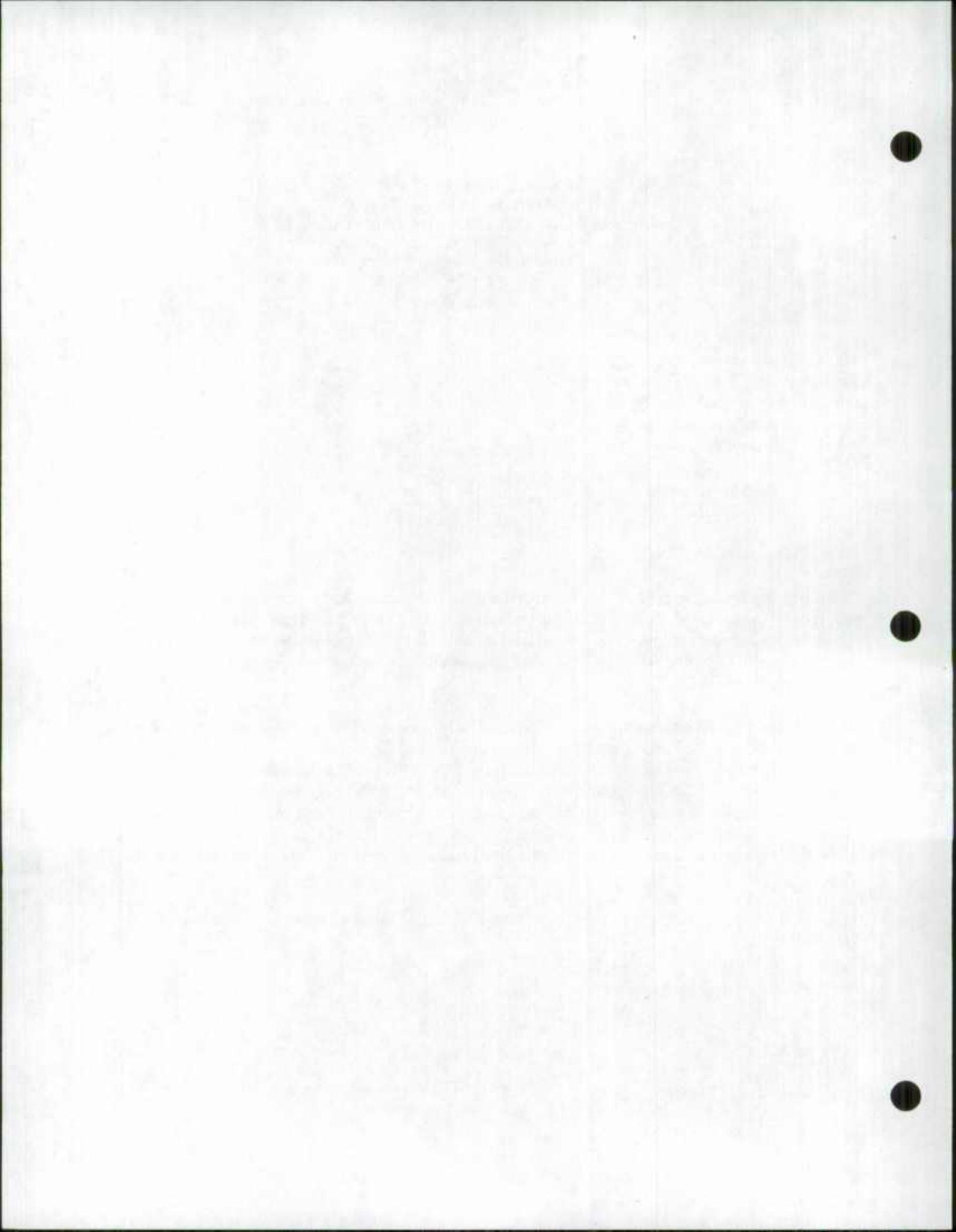
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 467-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 22, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Magothy Beach, Lots 11ARR & 12ARR Amended Plat
S96-136, P08-065-00-NF

Dear Ms. Krinetz,

Thank you for forwarding the above referenced project for review and comment. The applicant proposes to amend the lot line which divides the 1.2 acre property into two existing lots. It does not appear that any development is proposed on the property with this application. The lots are within the Critical Area, they are designated as a Limited Development Area (LDA) and each lot is currently developed with a dwelling, driveway and pier. I have provided comments below:

1. It does not appear that the Buffer has been properly expanded to include the lands that are 50 feet from the top of slopes greater than 15% on lot 11ARR. Please have the applicant do so.
2. Please have the applicant provide information about the purpose of the proposed lot line revision.

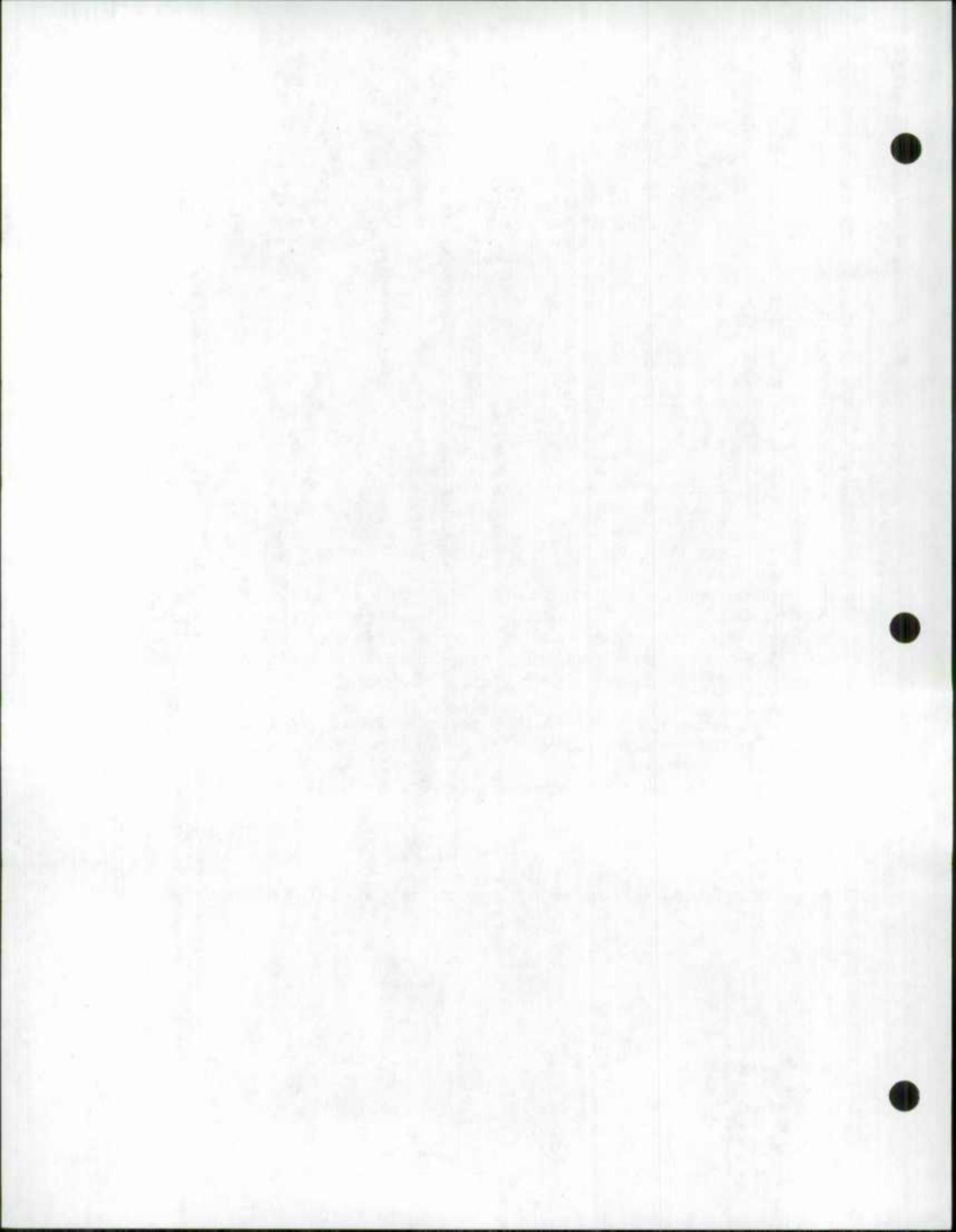
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 449-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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August 22, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Mason's Beach on the Bay, Lots 7-8
S 06-062, P 08-0003

Dear Mr. Tom Burke:

Thank you for forwarding revised materials for the above mentioned subdivision request. The applicant proposes to unmerge two merged lots by way of subdivision, remove the existing dwelling that is located over the property line between the two lots, remove the existing garage, shed and driveway, and to construct two new houses and driveways on each of the unmerged lots. The 0.55 acre property is within the Critical Area and is designated as an Intensely Developed Area (IDA). The applicant has addressed this office's comments from my June 9, 2008 letter and I have no further comments on the proposed subdivision at this time.

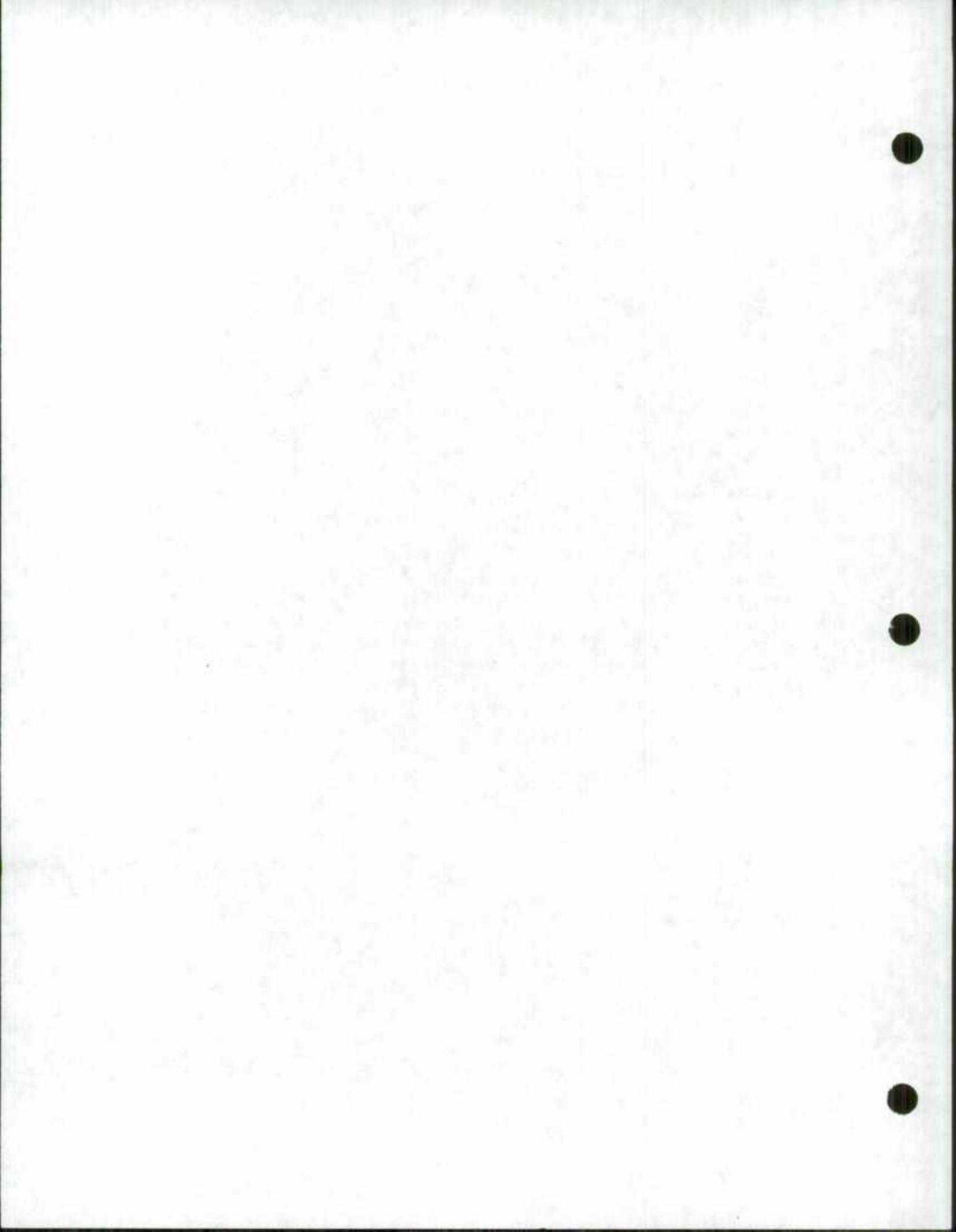
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 27-08



Martin O'Malley
Governor

Anthony G. Brown
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Margaret G. McHale
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Executive Director

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August 22, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Parker Creek
S-05-014, P-07-0153

Dear Mr. Burke:

Thank you for forwarding the above referenced subdivision resubmittal. The project consists of the subdivision of an existing 2.66 acre lot into five lots, removal of an existing dwelling, driveway, shed and pool, and construction of five new dwellings and driveways on each of the proposed lots. 0.35 acres of the property are designated as a Resource Conservation Area (RCA) and 2.31 acres are designated as a Limited Development Area (LDA). The applicant has addressed most of this office's comments from my May 27, 2008 letter. I have outlined my remaining comments below:

- 1) We note that in the applicant's response to this office's comments, the applicant indicates that a planting plan will be forwarded to this office for review. Please include on that planting plan information about whether the 10,620 square feet of required reforestation mitigation will be addressed with plantings onsite in addition to the required Buffer plantings, by offsite plantings, or, by fee-in-lieu payment.
- 2) This office notes that the current plans show the proposed lot lines for lots 1, 2 and 3 within the 100-foot Buffer. Since this area must be reestablished in plantings and will be placed in a conservation easement, we recommend that the lot lines be adjusted so that they are not within the 100-foot Buffer. If the applicant has drawn the lot lines within the Buffer in order to meet the 25% impervious surface limit for lots smaller than one acre within a subdivision, we note that as of July 1, 2008, the State Critical Area law changed such that

Mr. Burke
August 22, 2008
Page 2 of 2

individual lots less than one acre within a subdivision are no longer restricted to a 25% impervious surface limit, as long as the total lot coverage within the subdivision is less than 15% of the area of the subdivision. §1808.3(d), Ch. 119, 2008 Laws of Maryland.

- 3) As requested, the applicant has confirmed that the proposed lots will not be created with riparian rights and only one pier will be allowed on the property. Please have the applicant include a note on the plat and plans stating this fact. The applicant should provide information showing that the proposed number of slips on the community pier will be in conformance with COMAR 27.01.03.07. The pier and the proposed path through the Buffer to access the pier must be shown on the plans. This path should be incorporated to the planting plan to be submitted to this office.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 15-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 22, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Mason's Beach on the Bay, Lots 7-8
S 06-062, P 08-0003

Dear Mr. Tom Burke:

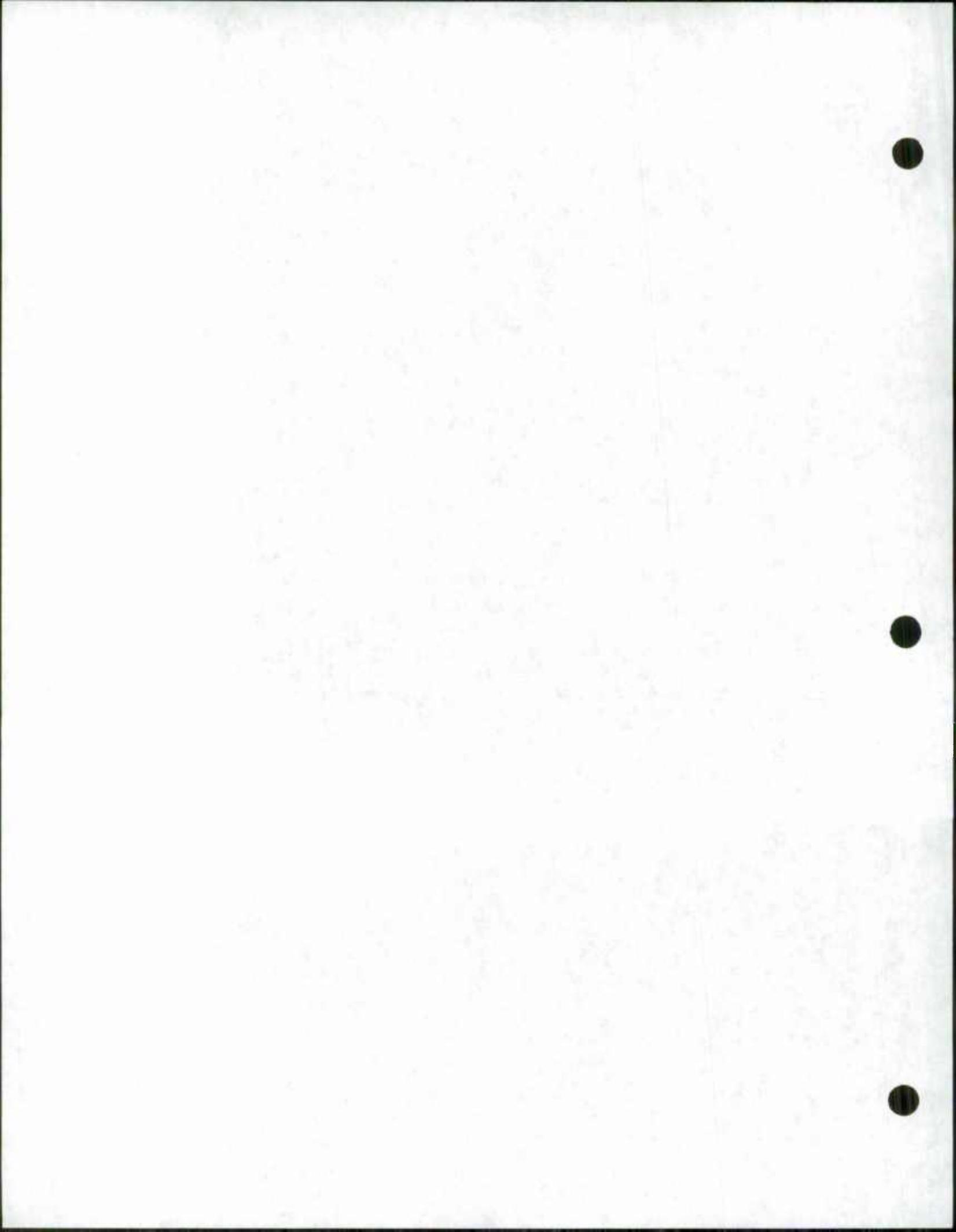
Thank you for forwarding revised materials for the above mentioned subdivision request. The applicant proposes to unmerge two merged lots by way of subdivision, remove the existing dwelling that is located over the property line between the two lots, remove the existing garage, shed and driveway, and to construct two new houses and driveways on each of the unmerged lots. The 0.55 acre property is within the Critical Area and is designated as an Intensely Developed Area (IDA). The applicant has addressed this office's comments from my June 9, 2008 letter and I have no further comments on the proposed subdivision at this time.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Amber Widmayer'.

Amber Widmayer
Natural Resources Planner
cc: AA 27-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 25, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Lakeland, Lot 20
S 77-265, P 03-003300-0F

Dear Ms. Krinetz:

Thank you for forwarding the above referenced subdivision request for review and comment. The project consists of the subdivision of an existing 1.068 acre lot into two lots. A portion of the property is within the Critical Area with 0.272 acres designated as a Resource Conservation Area (RCA) and 0.111 acres designated as a Limited Development Area (LDA). The property is currently developed with a single family dwelling to be removed, and the applicant proposes to construct a new single family dwelling, driveway and septic system on each of the two proposed lots. No development is proposed within the Critical Area portion of the property. I have outlined my comments below:

- 1) The proposed lot line divides the existing nonconforming 0.272 acre portion of RCA on the property into two further non-conforming portions of RCA. While we note that the applicant does not propose development within the RCA and proposes to place the entire Critical Area portion of the property in a forest conservation easement, this office can not support subdivision of nonconforming parcels of RCA that create a greater number of RCA parcels with less than the requisite 20 acres associated with each parcel. Consequently, we recommend that the applicant amend the proposed lot lines such that the lot line through the Critical Area will match the existing LDA/RCA line.
- 2) There is conflicting information in the applicant's submitted materials as to what is located within an approximately 30' by 60' area on the plans. A note on the

Ms. Krinetz
August 25, 2008
Page 2 of 2

plans identifies this area as existing riprap, the legend indicates that this area is a stabilized construction entrance, and the narrative indicates that there are large rock check dams in this area, even though there is no perennial or . Please have the applicant resolve these inconsistencies. Depending on the nature of the structure, it may be necessary to include the 30' by 60' area in lot coverage totals.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 493-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. Mellale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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August 26, 2008

Ms. Roxana Whitt
Calvert County Dept. of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Spilman Variance 08-3518

Dear Ms. Whitt:

Thank you for forwarding additional information on the above referenced variance request. The applicant is requesting an after-the-fact variance to allow disturbance to the Buffer which is expanded to include contiguous slopes 15% or greater. The request seeks to legalize existing retaining walls, patios and a driveway which were built without permits. The 1.77 acre lot is designated as a Limited Development Area (LDA) and it appears that the lot is currently developed with a dwelling, driveway, decks, three patios, a shed, a pier, and a wooden walkway and steps.

It appears that the only changes that were made to the revised plan submitted to this office are that the existing gravel driveway will be converted to asphalt, and that three rain gardens and ten rain barrels will be placed on the property. The plans do not show that any attempt will be made to remove or reduce the extent of the unpermitted structures described above. The driveway, retaining walls, and patios remain unaltered. The applicant has not addressed the variance standards as required to show that the additional disturbance to the Buffer beyond what was permitted by the 1993 variance was necessary to provide reasonable and significant use of the property, or explained why the 1993 variance did not provide reasonable and significant use of the property. It is a reasonable presumption that once a variance to disturb the expanded Buffer for construction of a dwelling, driveway and septic system has been granted, as it was in 1993, that reasonable and significant use of the property exists. The applicant has not met the burden to show that denial of a second variance would result in an unwarranted hardship.

Additionally, the applicant has provided no information as to why the existing lot coverage and cleared areas exceed what was approved in the 1993 variance based on the applicant's submitted plans at that time. As this office noted in our April 16, 2008 letter, the Critical Area notes on the 1993 plan indicate that 69,303 square feet of the property would remain forested and that 3,582 square feet would be developed as impervious surface. In contrast, the plan submitted for the current variance indicates that there are 3,954 square feet of impervious surface area and only 47,508 square feet of forested area

remain on the property. To the extent that the additional 372 square feet of impervious surface and 21,795 square feet of clearing was done to accommodate the structures at issue in the current variance, the applicant should provide mitigation plantings at a 4:1 ratio for the total area of disturbance from clearing, grading and new impervious surfaces. The applicant should also resolve any remaining discrepancies between the clearing calculations on the 1993 plan and current plan. If the additional clearing was not permitted and mitigated for under a County approved Buffer Management Plan, the clearing should be addressed and mitigated as a violation.

This office opposes granting the requested variance. The applicant has not addressed any of the variance standards, and has not demonstrated that each and every variance standard has been met, as is necessary to obtain a variance from the County's existing Critical Area law. In particular, the applicant has not demonstrated that the development of the property that was permitted under the 1993 variance was insufficient to provide reasonable and significant use of the entire property, and that an unwarranted hardship would exist without being granted the current variance. In contrast, it appears that the applicant already enjoys reasonable and significant use of the property.

Disturbance to Steep Slopes, Grading and Structures in the 100-foot Buffer

The relevant County Code provisions requiring the variance in this case include 8-1.01.C.4.a which provides that only structures that are water dependent facilities may be located in the Buffer, 8-1.01.C.4.e which prohibits any grading or disturbance in the Buffer that is not for erosion control or to enhance the Buffer function and 8-1.04.G.1.e which prohibits development on slopes greater than 15% unless "the project is the only effective way to maintain or improve the stability of the slopes."

It is our position that the applicant's Buffer and steep slope disturbance is in conflict with the County's Buffer management goals and will create unnecessary adverse impacts to water quality and habitat. While this office understands it is sometimes necessary to disturb steep slopes in association with proposed development or redevelopment, all disturbance must be the minimum necessary to both establish a dwelling and maintain the structural integrity of the dwelling. Further, the applicant cannot meet each one of Calvert County's variance standards. I have discussed the County's variance standards as they pertain to this case below.

Relevant Variance Standards

11-1.01.B6.c-*the variance is the minimum adjustment necessary to afford relief from the regulations*

The 1993 variance permitted construction of a dwelling, driveway, and septic system on the property which granted the property owner reasonable and significant use of the entire property. No additional relief was necessary to afford the property owner relief from the regulations. Additionally, prior to 1993, the property was already developed with a pier, detached waterside deck in the Buffer, and waterside shed in the Buffer. Therefore, the applicant already had the use of a deck before the patios adjacent to the house were constructed and the applicant has not shown that additional patios were necessary for reasonable use of the property.

11-1.01.B6.d-special conditions or circumstances exist that are peculiar to the land or structure within Calvert County and a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship

While the presence of steep slopes and expanded Buffer require that the applicant seek a variance for development of this property, to deny the requested variances for the currently proposed project would not create an unwarranted hardship for the applicant. The General Assembly and Calvert County Code state that unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested. This is not the case where a property such as this is already developed with a dwelling. As described above, even before the property was developed with a dwelling, driveway and septic system, the property was already developed with a pier, a detached waterside deck in the Buffer, and a waterside shed in the Buffer. The applicant does not suffer an unwarranted hardship from being denied permission to more intensively develop the property with the retaining walls, expanded driveway and patios.

11-1.01.B6.e-a literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County

A literal interpretation of Calvert County's regulation of the Buffer will not deprive the applicant of a right commonly enjoyed by other properties in similar areas because this office does not support variance requests that are not the minimum necessary for redevelopment of a property, particularly where adverse impacts to water quality and plant and wildlife habitat will occur as a result. The applicant has not shown that construction of several retaining walls, additional patios and an expanded driveway in the expanded Buffer is a right commonly enjoyed by any property in the Critical Area, or a right enjoyed by other properties in similar areas within the Calvert County Critical Area.

11-1.01.B6.f-the granting of a variance will not confer upon an applicant any special privilege that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's Critical Area

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. This office would not support a similar variance request to create new disturbance to the expanded Buffer or steep slopes where evidence has not been provided to show that it is the minimum necessary disturbance in developing a property. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that the requested variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

11-1.01.B6.g-the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. If the variance request is based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, the Board of Appeals may consider that fact; and

The extent of the variance requested is based upon the actions of the applicant. The applicant chose to construct the retaining walls, expanded driveway and patios in the slope expanded Buffer without permission which created significant new disturbance to the Buffer and steep slopes. Consequently the applicant has created the need for the current variance.

11-1.01.B6.h-the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law.

In contrast with the above standard, granting the requested variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The footprints of the retaining walls, expanded driveway and patios within the expanded Buffer and slopes greater than 15% required clearing of established vegetation and prevents regeneration of vegetation in that area which would provide benefits to fish, wildlife, and plant habitat. The County law recognizes that a naturally vegetated fully functioning Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This after-the-fact variance request not only further reduces the functions provided by the Buffer, but creates extensive disturbance of the soils on steep slopes on this site, and significantly contributes to the cumulative impacts of development on the Bay.

Because the Commission opposes the requested variance with reference to the expanded Buffer and steep slope disturbance from the constructed retaining walls, expanded driveway and patios, and because the applicant has not met each one of Calvert County's variance standards, we recommend that the variance request for the development be denied. Further, the applicant should be required to remove the unpermitted structures and restore the footprint of the development with native vegetation to stabilize the disturbed steep slopes.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: CA 183-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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September 8, 2008

Mr. David Insley
Town of Mardela Springs
P.O. Box 81
Mardela Springs, MD 21837

Re: West Side Historical Society, Barren Creek Springs Church Restroom

Dear Mr. Insley:

I have received plans for the proposed restroom facility building on the Barren Creek Springs Church property for review and comment. The property is in the Critical Area and is designated as a Limited Development Area (LDA). The property is currently developed with a church, patio and road. I have outlined my comments on the proposed project below:

- 1) Our records indicate that the property may be within habitat for a listed species of concern. Please obtain a letter of review from the Maryland Department of Natural Resources' Wildlife and Heritage Service (WHS) which identifies this species and provides information as to whether the proposed development will create any disturbance to this species. Any WHS guidance for minimizing disturbance to this species should be incorporated into the proposed development plan.

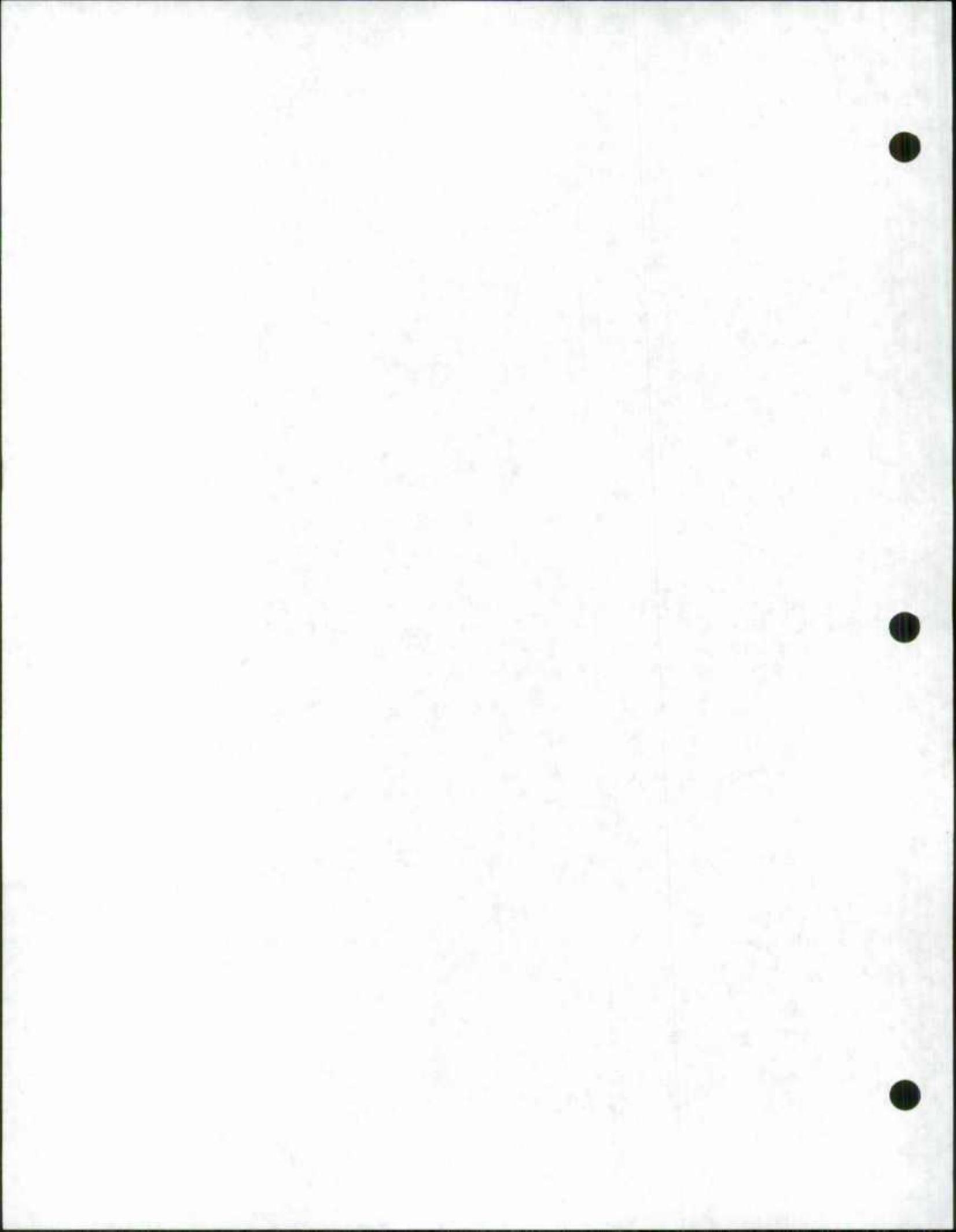
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: Mary Phillips, Wicomico County Public Works
Sylvia Bradley, Westside Historical Society



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 9, 2008

Mr. Butch Norden
Maryland Department of Natural Resources
Maryland Park Service, E-3
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401

Re: Sandy Point State Park, Stone Jetty Improvements
Anne Arundel County

Dear Mr. Norden:

I have received information about the above referenced project for review and comment. The project is the repair of an existing stone jetty at Sandy Point State Park with a staging and stockpile area in the 100-foot Buffer. The site is in the Critical Area and is considered an area that is intensely developed based on the developed nature of the site's surrounding area.

Due to the temporary nature of the disturbance in the Critical Area for the proposed repair of the jetty, this project does not require approval by the full Commission and this office has no further comments on this project at this time.

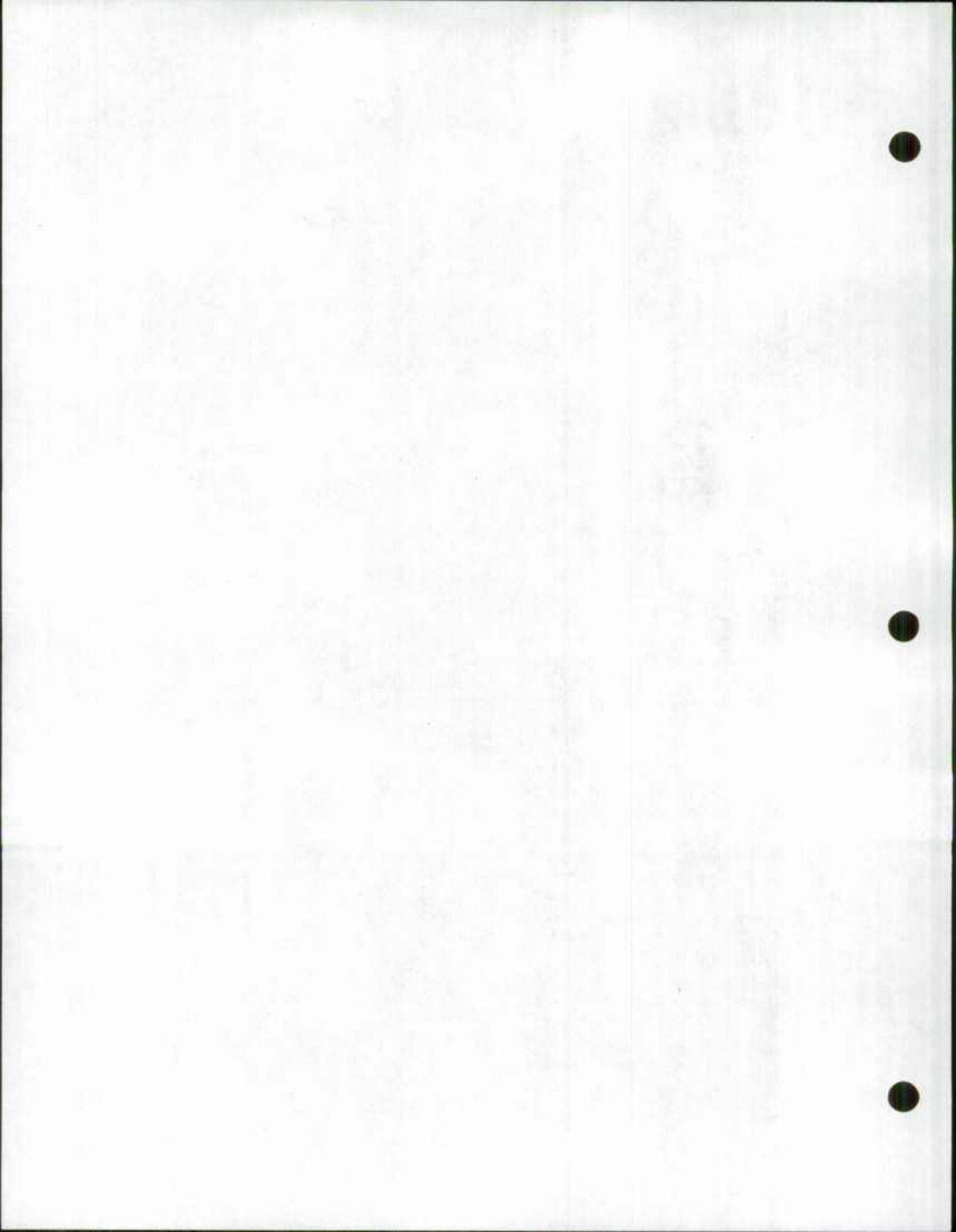
Thank you for providing the project for our review. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: DNR 33-08
Laura Callens, Whitman Requardt & Associates



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 5, 2008

Ms. Pam Cotter
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Smith Marina, 2008-0169-V

Dear Ms. Cotter:

Thank you for forwarding the above-referenced variance request to construct a multi-purpose building with disturbance to slopes 15% or greater, and to provide the requisite 25-foot vegetated bufferyard along the shoreline on less than the whole property, on a 4.06 acre property that is currently developed as a marina. The property is within the Critical Area with 3.50 acres designated as a Limited Development Area (LDA) and 0.56 acres designated as a Resource Conservation Area (RCA). Additionally, the property is mapped as a Buffer Management Area (BMA). The applicant proposes to remove several existing buildings and replace them with the proposed multi-purpose building which will contain a marina office, restrooms, showers, storage, and a store.

While it appears some variance may be required for the proposed redevelopment, the County's variance standards require the applicant to show that the requested variances are the minimum necessary to provide the property owner with reasonable use of the entire property. It appears that in this case, the extent of the requested variance for disturbance to steep slopes on the property could be minimized by locating the building farther to the north or to the east of the property, or by reconfiguring the shape of the building such that it is out of the steep slopes entirely, or at a minimum, to the extent possible.

Additionally, it appears that the applicant can provide more of a vegetated 25-foot bufferyard than is currently proposed, which would also minimize the extent of the requested variance. The County's BMA policy requires that on all development or redevelopment sites within a BMA, a 25-foot waterfront buffer shall be densely planted

Ms. Cotter
September 5, 2008
Page 2 of 2

with native trees and shrubs. The applicant indicates that while such a 25-foot bufferyard will be provided between the proposed building and the shoreline, providing a 25-foot bufferyard on the rest of the property, "is not feasible at this marina that is, obviously, a water-dependent use with significant docking, boat storage, and parking requirements." While it is true that piers are considered water dependent uses that must be located at the shoreline and are therefore permitted at the shoreline in the Buffer, the same is not true of parking areas and boat storage at a marina. Because the applicant already proposes to remove and reconfigure existing parking areas on the property, it appears that some of the existing parking areas along the shoreline could also be relocated and more of a 25-foot bufferyard could be established in those areas in further compliance with the County's BMA policy. The applicant must do so to the extent possible in order to meet the County's variance standard of minimization. Also, it has not been demonstrated by the applicant that an unwarranted hardship exists in this context.

This office notes that it appears that the existing footprint of development on the property is nonconforming with reference to the current 15% lot coverage limit for LDA properties. However, because it appears that the excess lot coverage was developed on the property prior to the implementation of the County's Critical Area program, and because the proposed redevelopment does not increase and instead decreases the property's total lot coverage by 0.10 acres, this office does not oppose the continuation of the nonconforming development with reference to lot coverage. However, in redeveloping the property as proposed, the applicant should provide some form of stormwater management to offset the excess lot coverage onsite.

Because the applicant has not shown that the requested variances are the minimum necessary to provide reasonable use of the property, we recommend that the applicant be required to submit a revised redevelopment plan that minimizes the proposed disturbance within slopes 15% or greater, and maximizes the proposed 25-foot vegetated bufferyard as described above.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 439-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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MEMORANDUM

To: Roland J. Limpert, Environmental Review Unit

From: Amber Widmayer *AJW*

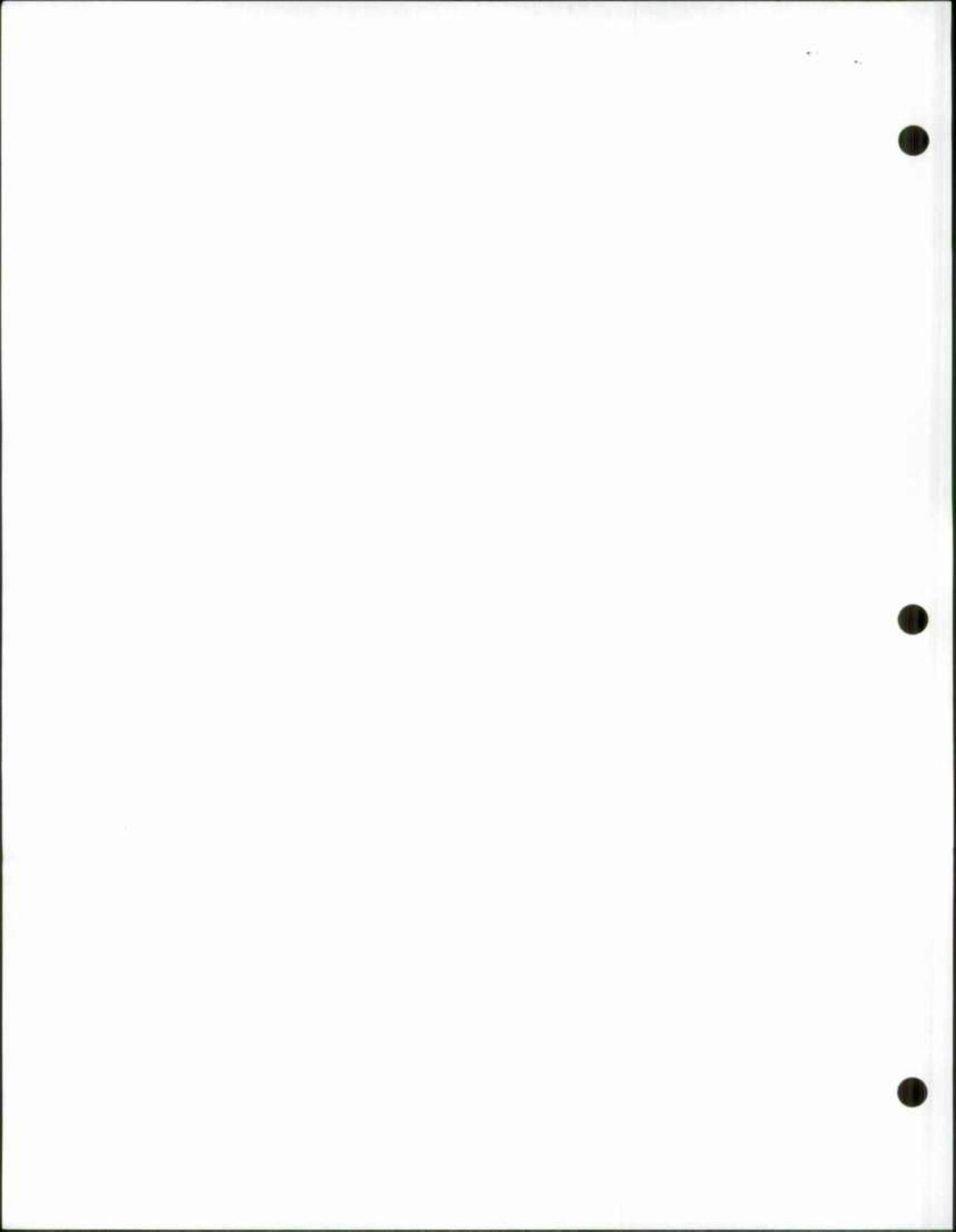
Date: September 11, 2008

RE: Draft EA and FONSI: Proposed Modernization of U.S. Coast Guard at Coast Guard Yard in Anne Arundel County

This office has received the review notice for the above referenced draft EA and FONSI. The document outlines the U.S. Coast Guard's proposed plan for updating its facilities in several locations across the U.S., including the Coast Guard Yard located off of Curtis Creek in Anne Arundel County, MD. A portion of the 113 acre Coast Guard Yard property is in the Critical Area, is designated as an Intensely Developed Area (IDA) and is currently developed with a number of industrial and administrative buildings, piers, bulkheads and parking lots. The draft document presents three levels of alternatives for modernizing the Coast Guard Yard facilities. It appears that among the three proposed alternatives, Critical Area impacts will only be created under the full modernization alternative (which is identified in the document as the preferred alternative) in which two parcels are identified as possible sites in the Critical Area at the Coast Guard Yard for construction of a new Surface Forces Logistics Center (SFLC).

In regard to protecting Critical Area resources, both on land and in the Bay, the no action alternative or the partial modernization alternative should be chosen since these two alternatives will not create any new Critical Area impacts. However, if the full modernization alternative is chosen, it appears that the proposed development under this alternative can be done in a manner that is consistent with the goals of the Critical Area program.

The two parcels that are identified as possible sites for development at the Coast Guard Yard consist of a northeast parcel and a southeast parcel. Development of either parcel can be done in a manner that is consistent with the Critical Area requirements, provided, that as proposed on page 4-6 of the EA, construction of an SFLC would avoid impacts within the 100-foot Buffer, implement a Maryland Department of the Environment (MDE) approved sediment and erosion control plan and stormwater management plan, and that the development would comply with all other federal and State permitting requirements. Development of either parcel will also require the applicant's completion and submission of the 10% pollutant removal requirement calculation

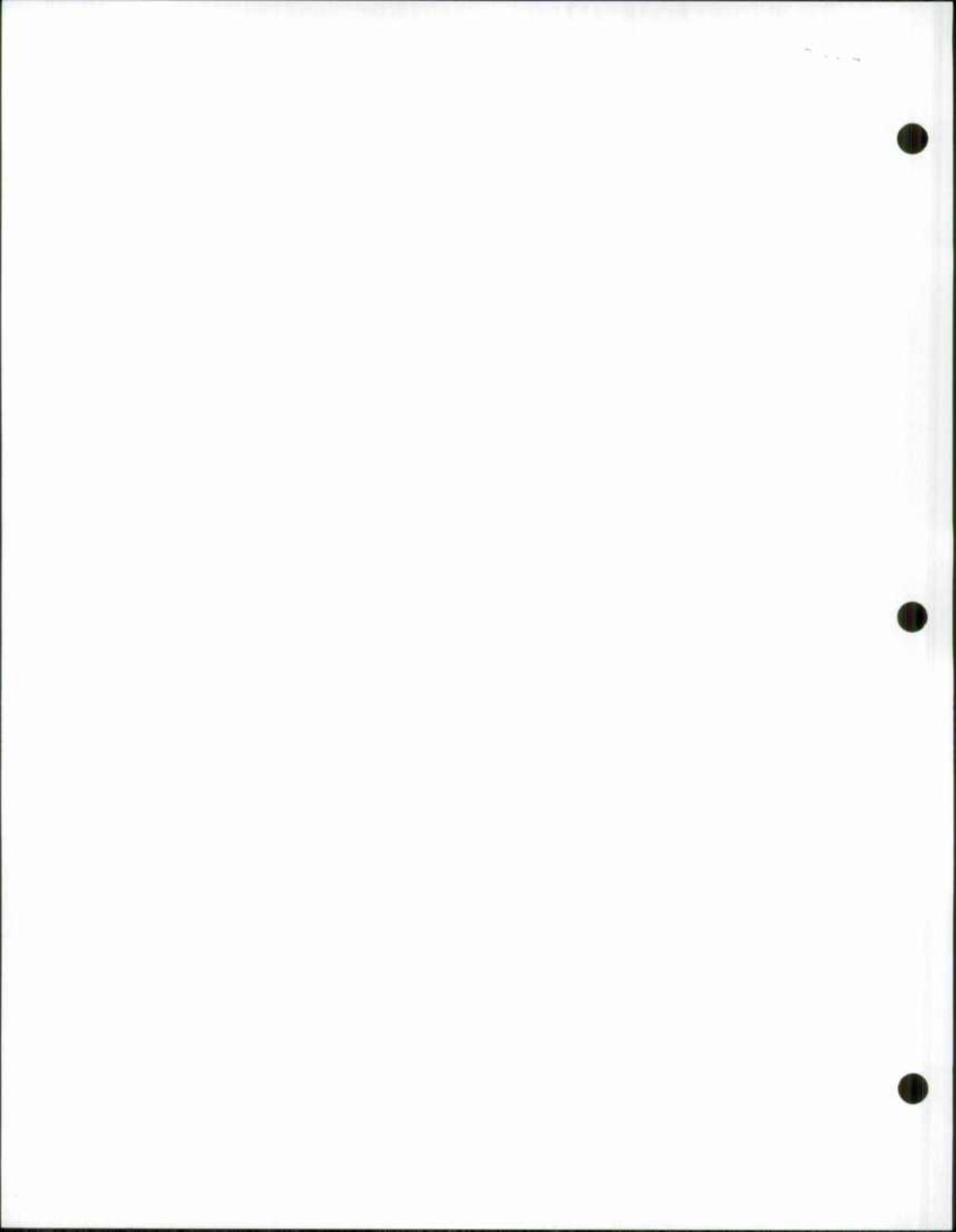


worksheets, and demonstration of how the resulting 10% removal requirement will be addressed to provide an overall reduction of phosphorus on the site. These worksheets and further information about the 10% Rule are available on the Commission's website at the following address: http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html.

Given the choice between the two parcels, this office would recommend development of the new SFLC on the already developed northeast parcel at the Coast Guard Yard to minimize new impacts to the Critical Area from expansion of the impervious footprint on the property. Because the northeast parcel is already developed with several buildings and other impervious surfaces, redevelopment of this area would make use of an existing development footprint while providing a stormwater treatment improvement through addressing the 10% pollutant removal requirement. In contrast, developing the open field that is the southeast parcel would increase the total area of lot coverage on the Coast Guard Yard property, which would reduce opportunities for infiltration of stormwater on that parcel.

If development of the Coast Guard Yard within the Critical Area is proposed, we recommend that the U.S. Coast Guard coordinate with Critical Area staff at an early stage to ensure that the above development requirements are addressed, so that this office will be able to provide an official determination of the project's consistency with the Critical Area requirements to the State's Coastal Zone Consistency Program as part of the Federal Consistency process.

Thank you for the opportunity to review the draft EA. If you have any questions, please call me at 410-260-3481.



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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(410) 260-3460 Fax: (410) 974-5338

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September 18, 2008

Ms. Angela Willis
Project Planning Division
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: MD 3 Business Drainage Improvements
Anne Arundel County

Dear Ms. Willis:

Thank you for forwarding revised information for the above-referenced project proposal. The 1.5 acre project site is partially within the Critical Area and is an area that is Intensely Developed. The proposed project is the construction of a new storm drain along MD 3 Business from Jackson Avenue Northwest and continuing north to Sawmill Creek in Anne Arundel County. With the exception of the area of the proposed outfalls to Sawmill Creek, the majority of the proposed storm drain will be constructed in the existing MD 3 roadway. The proposed project qualifies as a State agency action resulting in development on State-owned lands under COMAR 27.02.05 and as such requires approval by the full Critical Area Commission.

In order for the project to be presented to the Commission for approval, the applicant must provide additional information showing that the project is consistent with the Criteria in COMAR 27.02.05. I have reviewed the submitted materials and provided my comments and requests for additional information below:

- 1) A complete application will include any necessary State or local agency permits, a letter from Maryland Department of Natural Resources' Wildlife and Heritage Service stating that the proposed project will not impact rare, threatened or endangered species, and a letter from the Maryland Historical Trust that the proposed project will not impact any historic resources.
- 2) Please provide additional information about the area of impervious surface that will be removed off of Furnace Branch Road as proposed in the most recently submitted 10% calculations. It appears that this area is located on privately owned property and as such SHA must provide information describing how SHA will prevent this area from being repaved by the property owner in perpetuity.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

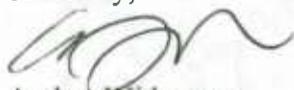


- 3) The submitted planting agreement indicates that there will be 10,498 square feet of clearing outside of the Buffer for the project. However, with the exception of the disturbance in the Buffer for the outfall, it is this office's understanding that the proposed disturbance outside of the Buffer will consist solely of trenching in the existing roadway to complete the proposed drainage improvements. Please clarify whether 10,498 square feet of existing forested area outside of the Buffer will be cleared as shown on the planting agreement. If this amount of clearing will take place, it must be mitigated at a 1:1 ratio.
- 4) It appears that several of the proposed planting areas to meet the Buffer mitigation requirement are already forested. Therefore, these areas are not acceptable as proposed planting areas, and other planting areas that are not currently forested must be provided. The areas that appear to already be forested are as follows: Area A #s 1, 2, 3, 4 and 5 and Area B #s 4 and 5.
- 5) Because the proposed planting areas are not sufficient to address the Buffer mitigation requirement for this project as described above, another Buffer planting plan must be provided. As we have indicated in previous communications, the Buffer mitigation plantings should be provided as plantings that are both in the 100-foot Buffer and adjacent to a shoreline such that they provide both a water quality improvement and riparian Buffer habitat. Previously, SHA identified a potential planting site that was adjacent to Sawmill Creek that was not planted. This office had indicated that this site would be suitable as a Buffer planting site, even though it was outside of the Critical Area. Please indicate whether this site or another nearby site could be used to address the Buffer planting requirement.

As soon as we receive your complete application and all of the comments above have been addressed, we will be able to schedule the presentation of your proposed project on the agenda for a Critical Area Commission meeting. Projects must be received at least six weeks prior to the next scheduled Commission meeting in order to be included on that meeting agenda. The Commission meets on the first Wednesday of each month, and the schedule for submittal deadlines and future meetings is posted at <http://www.dnr.state.md.us/criticalarea/aboutthecommission>.

Please feel free to contact me at 410-260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: DOT 38-07
Kelly Krinetz

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 18, 2008

Mr. Kevin Scott
City of Annapolis
Department of Planning and Zoning
145 Gorman Street
Annapolis, Maryland 21401

Re: Annapolis Water Reclamation Facility
City of Annapolis/Anne Arundel County

Dear Mr. Scott:

Thank you for forwarding the above-referenced project for the proposed improvements to the Annapolis Water Reclamation Facility. 22.5 acres of the 35.5 acre property are within the Critical Area with 3.2 acres classified as a Limited Development Area (LDA) and 19.3 acres classified as an Intensely Developed Area (IDA). The proposed improvements within the 1.54 acre limit of disturbance are located completely within the Critical Area. The purpose of the project is to provide enhanced nutrient removal (ENR) and to upgrade to facility to meet future annual discharge limits of 3 mg/L of phosphorus and nitrogen. In order to do so, a new filtration system, pumping station, methanol storage tanks and an additional paving area will be added to the facility. Because the project is inconsistent with the City of Annapolis' Critical Area program due to the proposed lot coverage exceeding the 15% limit within the LDA on the property, and because the proposed clearing of 65% of the existing forested area in the LDA exceeds the City's 30% clearing limit, the proposed project will need to be presented to the Critical Area Commission for conditional approval.

The City may seek a conditional approval from the Critical Area Commission for approval of a project on City lands under Code of Maryland Regulations 27.02.06 'Conditional Approval of State or Local Agency Programs in the Critical Area'. Under this section, if development proposed by a State or local agency located in the Critical Area is prohibited from occurring then the agency proposing the development may seek conditional approval for the project.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



In order for the Critical Area Commission to process this request as a conditional approval, the applicant must submit information demonstrating how the proposed project meets the following criteria.

In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

B.(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

B.(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

B.(3) That the project or program is otherwise in conformance with this subtitle;

The conditional approval request shall, at a minimum, contain the following:

C.(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State of local agency program or project;

C.(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

C.(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

In addition to providing the information above, a complete application will include any necessary State or local agency permits, a letter from Maryland Department of Natural Resources, Wildlife and Heritage Service stating that the proposed project will not impact rare, threatened or endangered species, and a letter from the Maryland Historical Trust that the proposed project will not impact any historic resources. I have included a copy of the application checklist for your reference.

As soon as we receive your complete application, and all of the Commission's comments have been addressed, we will be able to schedule the presentation of your proposed project on the agenda for a Critical Area Commission meeting. Projects, with all of the Commission's comments addressed, must be received at least six weeks prior to the next scheduled Commission meeting in order to be included on that meeting agenda. The Commission meets on the first Wednesday of each month, and the schedule is posted at <http://www.dnr.state.md.us/criticalarea/aboutthecommission>.

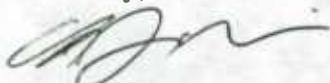
Mr. Scott
September 18, 2008
Page 3 of 3

This office has reviewed the submitted project plans and we have provided comments and recommendations below:

- 1) Because the project proposes to add lot coverage and to reconfigure existing impervious surfaces in the IDA, the applicant must submit 10% calculation worksheets, and plans showing how the resulting 10% pollutant removal requirement will be met on the site. Please provide drainage maps for the site and detailed information about any best management practices that are proposed. The 10% worksheets and more information about the 10% pollutant removal requirement are available on the Commission's website, at the following web address:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html.
- 2) COMAR 27.01.02.03.D(4) requires that if practicable, permeable areas within IDA shall be established in vegetation. Please provide a planting plan demonstrating that this requirement, in addition to the City's reforestation mitigation requirement, has been addressed on the site to the extent feasible. We recommend that the plantings consist of native species. A list of such native plants can be found in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed document which is available at <http://www.nps.gov/plants/pubs/chesapeake/>.

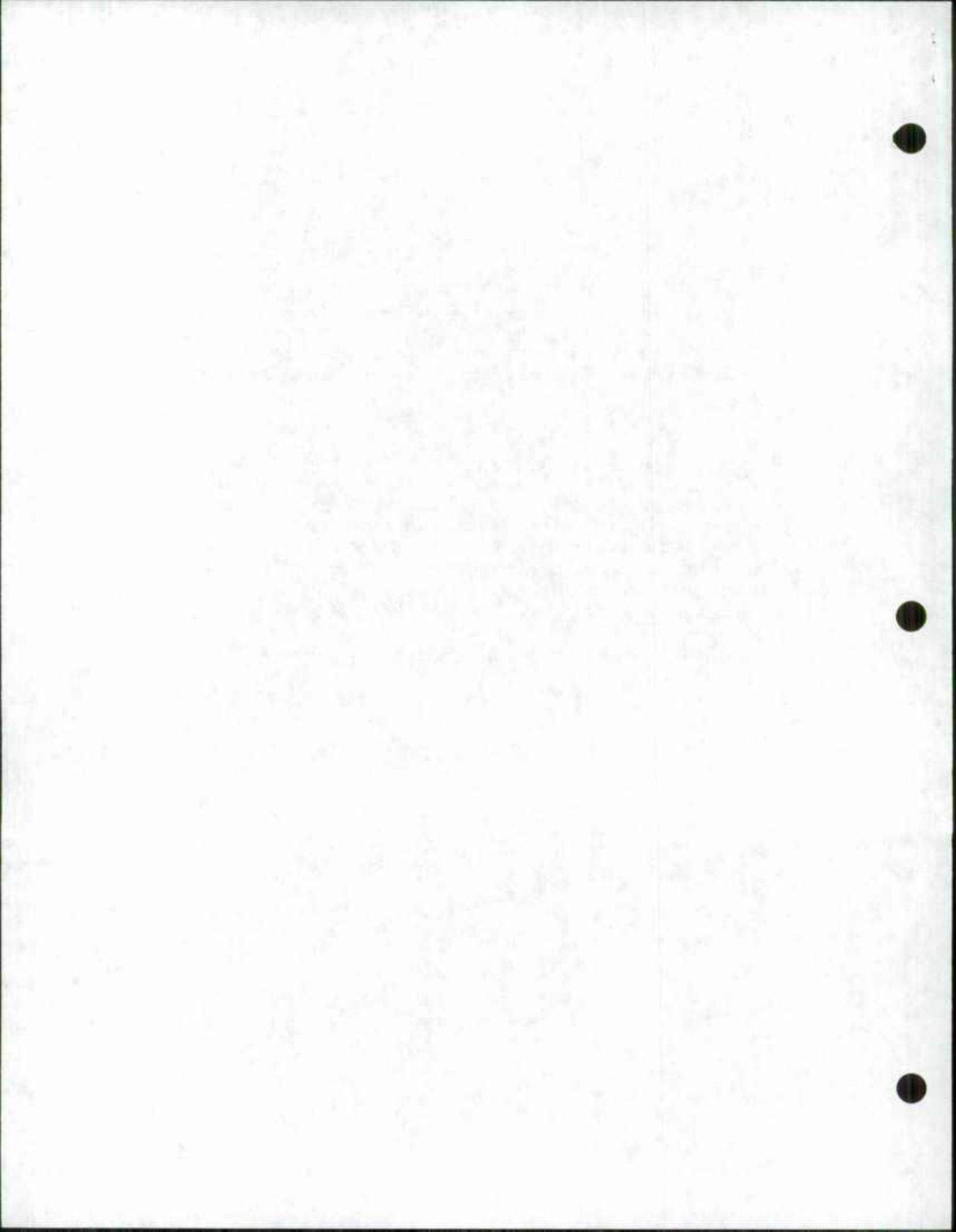
Please feel free to contact me at 410-260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AN 501-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

September 18, 2008

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Brigade Sports Complex, USNA
Anne Arundel County

Dear Mr. Ghigiarelli:

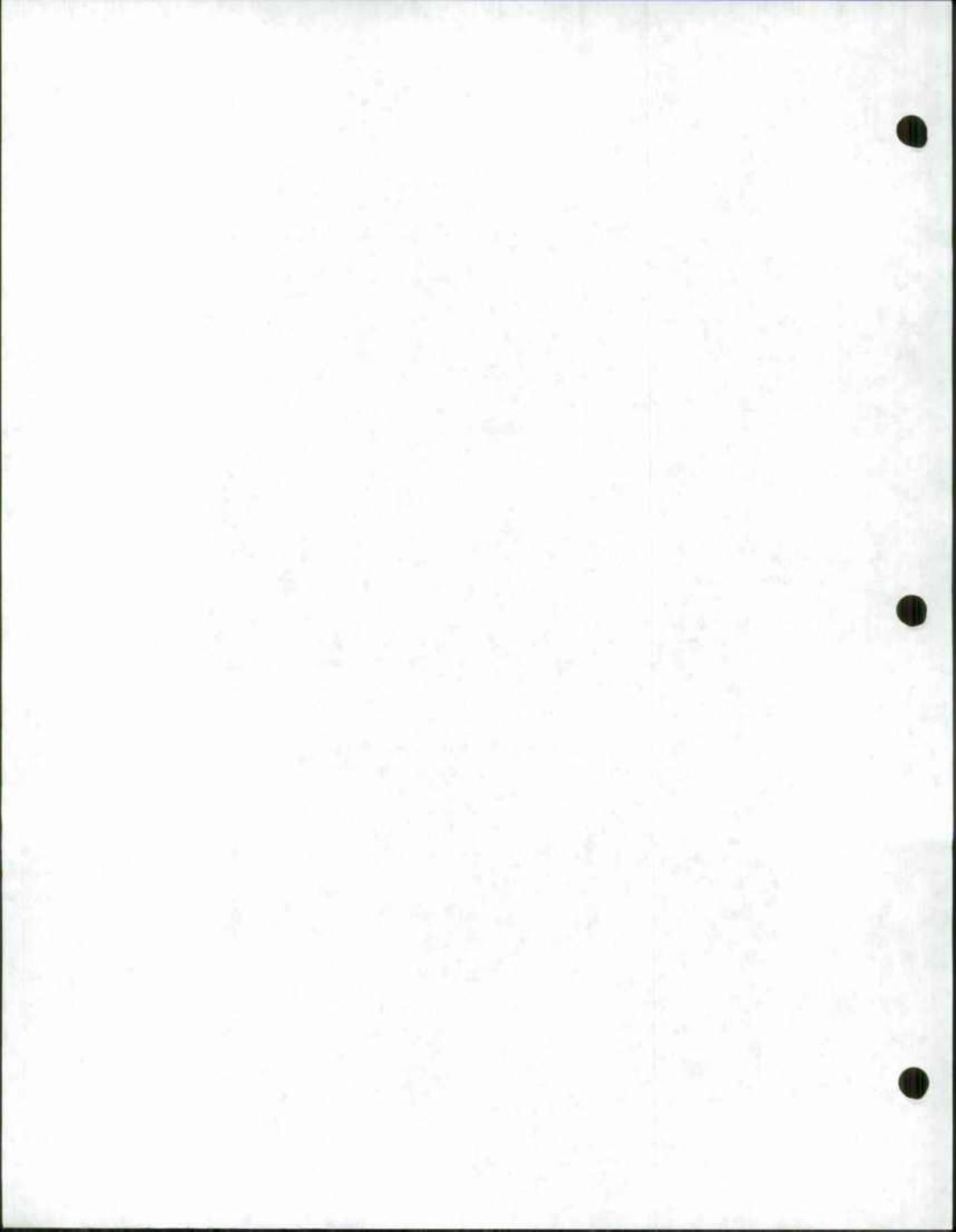
This office has received updated plans for the above-referenced project for review and comment. The project includes a sports facility building, tennis courts, an artificial turf rugby field, a stormwater management facility, and a mitigation planting area. The project site is considered an area that is not intensely developed, and much of the project is already constructed.

The applicant has addressed all of this office's comments from my March 11, 2008 letter and I have no further comments at this time. Commission staff finds this application to be consistent with the goals and objectives of the Critical Area Law and Criteria.

Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3481.

Sincerely,


Amber Widmayer
Natural Resources Planner
cc: 9-06 FED, 21-08 FED
Jeff Morris



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 18, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hock Inc./Three M, LLC
C 08-0011, G 02013308

Dear Mr. Burke,

Thank you for forwarding revised plans for the above-referenced proposed project. The applicant proposes to consolidate an existing five-lot subdivision to create three lots, and to develop the property with parking lots and a modular office building. The 12.67 acre property is within the Critical Area with 2.3 acres designated as a Resource Conservation Area (RCA), 3.6 acres designated as a Limited Development Area (LDA), and 6.8 acres designated as an Intensely Developed Area (IDA). I have provided my remaining comments below:

1. It appears that in addition to the proposed lot line that will create a new lot in the IDA for the project site, the applicant has drawn an additional lot line that meanders in and out of the existing RCA line, which has the effect of further dividing the property into a total of three lots. This office cannot support the creation of new lot lines within the RCA where less than the requisite 20 acres are associated with that new lot. Further, due to the extensive sensitive environmental characteristics of the LDA and RCA on this property from the presence of wetlands, the 100-foot Buffer, and steep slopes, this office recommends that the lot line within the LDA and RCA be removed and that future development within the LDA and RCA portion of the property be restricted by placing the LDA and RCA in a conservation easement.
2. The submitted 10% calculations and the proposed stormwater treatment measures to address the resulting 10% pollutant removal requirement for the proposed project must be revised. I have outlined the necessary revisions in the bullet points below:
 - According to the numbers provided in the applicant's 10% calculations, the resulting pollutant removal requirement is 2.94 pounds of phosphorus per year, and not 6.0 pounds of phosphorus per year, as is currently shown as the resulting removal requirement in the applicant's calculations.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



- As is explained further in the attached memo from Maryland Department of the Environment, grass channel credits may be taken where the grass channel is treating a linear area of impervious surface such as a roadway, and the channel length is directly proportional to the roadway length. The memo explains, "If grass channels are used to treat blocks of imperviousness (e.g., parking lots, buildings) then the maximum contributing length of imperviousness shall be 75 feet or less, maximum imperviousness to a single discharge point shall be 1,000 square feet or less, and the grass channel length must be greater than the contributing length." Because the proposed grass channels shown on the plans do not meet these criteria, the applicant can not take a credit for the area of the impervious surface that is being directed to these grass channels.
- The applicant's most recently submitted 10% calculations have identified the proposed grass channels as dry swales in order to meet the required pollutant removal requirement for the project site. Dry swales treat stormwater mainly by providing infiltration of the stormwater into the soils and require greater excavation of the soils than grass swales for installation of an underdrain. Because the applicant has indicated that the plans reflect an attempt to minimize disturbance of the existing soils in the area of the proposed channels so as to minimize infiltration into the contaminated soils, dry swales are not an appropriate BMP for providing stormwater treatment on this site.
- Because the proposed channels can not receive a grass channel credit, and can not be constructed as functioning dry swales, they are only a structure that will function as a means of conveying stormwater to the proposed wet pond. We recommend that these channels be constructed with some filtering or separating medium between the proposed layer of clean fill and the existing soils to prevent infiltration of stormwater into the contaminated soils, much like that which is being provided beneath the rest of the project site and the proposed stormwater wet pond for the same purpose.
- It appears that once the 10% calculations are revised as described above, another form of stormwater treatment may be required to address the 10% pollutant removal requirement that remains after subtracting the treatment provided by the proposed wet pond. We recommend that if an additional BMP is necessary to address the 10% requirement, the applicant choose one that does not require infiltration, such as a sand filter.
- The applicant's submitted materials indicate that a rooftop disconnect credit will be taken for the proposed office trailer. It is unclear whether this credit is reflected in the 10% calculations. Please have the applicant clarify whether the applicant has already deducted credit for the impervious area of the proposed office building, and confirm that this area was included in total site area for the property.
- Please have the applicant provide a drainage map showing both the areas draining to the proposed conveyances and BMPs and the corresponding acreages of those areas. Currently, the submitted drainage maps provide acreages based on the proposed soils rather than the drainage areas.

- Please have the applicant revise the “percentage drainage area treated” information provided in the 10% calculations. Currently, this information indicates that the proposed wet pond will treat 83% of the 6.8 acre site area, based on the fact that the stormwater runoff from 1.16 acres along the road does not reach the pond. However, the 83% calculation does not appear to incorporate the fact that two other areas on the property do not drain to the pond, including the proposed office building area which will receive a rooftop disconnect credit, and the area that drains to proposed channel #2 and outfalls into the woods.
- It is unclear what the acreage of the offsite drainage area is that is being treated onsite. While the applicant has indicated that this area has been incorporated into the 10% calculations, the 6.8 acre site area identified in the calculations appears to be the same acreage as the IDA that is within the property boundaries, and consequently it does not appear that any offsite area has been included in the 10% calculations. Please clarify the acreage of the offsite drainage area. Treatment provided for this area should be calculated using Worksheet B of the 10% calculation worksheets, available on the Commission’s website at the following address:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html.
- The table on the bottom of sheet 10 of 23 seems to indicate that volume requirements do not apply for this project for the overbank flood protection and extreme flood requirements because there is a tidal outfall. However, there is no tidal outfall on the site. Please clarify this apparent discrepancy.
- Please have the applicant provide a note on the plans that if the 0.8 acre portion of the property that is identified as a possible future parking lot is developed in the future, the applicant will have to address the 10% pollutant removal requirement for the site again at that time.

As discussed in a September 12, 2008 meeting with the applicant, Commission staff is happy to meet with the applicant again, along with County staff, and others as necessary, once the applicant is prepared to address these comments. Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 88-08



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

Grass Channel Credit Implementation

The Maryland Department of the Environment (MDE), Water Management Administration (WMA) offers the following to clarify a common issue concerning the implementation of the Grass Channel credit as found in Chapter 5 of the 2000 Maryland Stormwater Design Manual (the Manual). This credit encourages the use of open section roads and conveyances to disconnect linear or small discrete impervious areas. Unfortunately, the Manual provides too little detail on the design of qualifying channels. Please consider the following:

The Manual states that the use of open grass channels will automatically meet the Re_v for impervious areas draining into the channel. Furthermore, grass channels that meet the additional criteria listed on page 5.14 may also be used to address WQ_v . What is typically overlooked when considering this credit are conditions provided in Figure 5.3 and implied throughout Chapter 5. First, please consider the plan view drawing on Figure 5.3. This detail is clearly marked "Channel length is directly proportional to roadway length". Second, sheetflow conditions are critical for water quality treatment in several of the credits, including this one. To ensure sheetflow, MDE limits the application of nonstructural practices to 1,000 square feet of imperviousness per single discharge point. This condition is outlined on page 5.9 (Non Rooftop Disconnection) and may be applied wherever sheetflow is encouraged. Other conditions that apply include the 75 foot maximum contributing impervious area flow path and that the length of disconnection be equal to or greater than the contributing length.

Although not explicit, there are limiting requirements placed on the use of grass channels, especially with respect to their use for treating non-linear blocks of imperviousness. In absence of better guidance, and in addition to the listed requirements (page 5.14), MDE currently recommends that the grass channels be used for linear imperviousness only and that the length of a qualifying channel be proportional (or 1:1) to the length of the contributing imperviousness. If grass channels are used to treat blocks of imperviousness (e.g., parking lots, buildings) then the maximum contributing length of imperviousness shall be 75 feet or less, maximum imperviousness to a single discharge point shall be 1,000 square feet or less, and the grass channel length must be greater than the contributing length.

As with many facets of the new stormwater program, MDE encourages professional judgment and common sense in the application of setbacks from other site features. Also, designers should check with the local approval authority for any additional requirements. Any questions may be directed to the Sediment, Stormwater & Dam Safety Program at 410.537.3543 or email (scomstock@mde.state.md.us).

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 18, 2008

Ms. Sally Nash
City of Annapolis
Department of Planning and Zoning
145 Gorman Street, 3rd Floor
Annapolis, Maryland 21401

Re: St. Luke's Growth Allocation

Dear Ms. Nash:

Thank you for forwarding revised information on the above-referenced project proposal. St. Luke's Church, the applicant and owner of a 5.11 acre property consisting of two existing parcels, seeks the use of 4.23 acres of the City's 11 acres of growth allocation to change a 2.15 acre portion of the property from an RCA to an IDA, and a 2.07 acre portion of the property from an LDA to an IDA for the purpose of constructing additional development on the property and reconfiguring the existing two parcels. The proposed development consists of construction of a new sanctuary and parking lot on parcel 181 which fronts Bay Ridge Avenue, and construction of a 32-unit co-housing complex for seniors on parcel 180. The property is currently developed with a church, parking lot and rectory. Currently, 3.04 acres are designated as a Resource Conservation Area (RCA) and 2.07 acres are designated as a Limited Development Area (LDA). I have outlined my comments below:

1. As part of its formal growth allocation submittal, the City of Annapolis must address the following growth allocation standards, factors and guidelines found in COMAR 27.01.02.06, and Natural Resources Article 8-1808.1(c), which was revised by the 2008 Laws of MD at 748. As such, we strongly recommend that the Annapolis City Council make formal findings during its process of considering an award of growth allocation to this project.

COMAR 27.01.02.06, requires:

The area of expansion of Intensely Developed or Limited Development Areas, or both, may not exceed an area equal to 5 percent of the county's portion of the Resource Conservation Area lands that are not tidal wetland or federally owned.

Locate a new Intensely Developed Area in a Limited Development Area or adjacent to an existing Intensely Developed Area in the Town.

Natural Resources Article 8-1808.1(c) requires the Critical Area Commission to ensure that the following standards have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria.

1. *Locate a new Limited Development Area adjacent to an existing Limited Development Area or an Intensely Developed Area.*
2. *Locate a new Intensely Developed Area in a Limited Development Area in a manner that minimizes impacts to a habitat protection area as defined in COMAR 27.01.09, and in an area and manner that optimizes benefits to water quality.*
3. *Locate new Intensely Developed Area or Limited Developed Area in a Resource Conservation Area at least 300 feet beyond the landward edge of tidal wetlands, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources; (The specific provision for Commission approval of alternative measures is part of the 2008 Critical Area legislation.)*
4. *Locate new Intensely Developed Areas and Limited Development Areas in a manner that minimizes impacts to the defined land uses of the Resource Conservation Area.*
5. *Except in Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester, no more than one-half of the expansion allocated in the criteria of the Commission may be located in Resource Conservation Areas.*
6. *New Intensely Developed or Limited Development Areas [to be located in the Resource Conservation Area] involving the use of growth allocation shall conform to all criteria of the Commission for Intensely Developed or Limited Development Areas and shall be designated on the comprehensive zoning map submitted by the local jurisdiction as part of its application to the Commission for program approval or at a later date in compliance with Section 8-1809(g)*
7. *In Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, if the county is unable to utilize a portion of the growth allocated to the county in items (1) and (2) above within or adjacent to existing intensely developed or limited development areas as demonstrated in the local plan approved by the Commission, then that portion of the allocated expansion which cannot be so located may be located in the resource conservation area in addition to the expansion allocated in item (5) above. A developer shall be required to cluster any development in an area of expansion authorized under this paragraph.*

In accordance with §8-1808.1(c)(3), the Commission shall consider the following factors when reviewing a map amendment involving a new Limited Development Area:

1. *Consistency with the jurisdiction's adopted comprehensive plan and whether the growth allocation would implement the goals and objectives of the adopted plan;*
 2. *Whether the development is to be served by a public wastewater system or septic system that uses the best available nitrogen removal technology; is a completion of an existing subdivision; is an expansion of an existing business; or is to be clustered;*
 3. *The use of existing public infrastructure, where practical;*
 4. *Consistency with State and Regional Environmental Protection Policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site;*
 5. *Impacts on a Priority Preservation Area, as defined under §2-518 of the Agriculture Article;*
 6. *Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams;*
 7. *Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.*
-
2. The applicant will need to identify all Habitat Protection Areas that are on the property. In addition to mapping the 100-foot Buffer, the applicant will need to obtain a letter from Maryland Department of Natural Resources Wildlife and Heritage Service (WHS) to determine whether there are any rare, threatened or endangered species on the property or any other Habitat Protection Areas that may be affected by the project. We note that the applicant has requested such a letter from WHS and it should be forwarded in the revised application materials when it is received.
 3. The applicant proposes to leave the area that is between the tidal waters and 300 feet from the tidal waters outside of the growth allocation request envelope, so that this area will retain its RCA designation. Based on this office's review of the proposed project materials submitted so far, it appears that Commission staff could support this proposal to leave the RCA designation in place within this 300-foot Buffer. Additionally, staff could support a proposal to include the area of steep slopes along the eastern property boundary in the area that will remain designated as RCA. Staff could support such a proposal because it appears that no

disturbance is proposed within the 300-foot Buffer or the steep slopes for the proposed project, and because retaining the RCA designation in these areas will limit the future disturbance allowed within these sensitive environmental areas on the property.

4. The applicant must provide documentation that the current parcel configuration has not been changed since December 1, 1985, which is the original mapping date for the Critical Area.
5. The applicant must complete and submit the 10% pollutant removal requirement calculation worksheets and show how the resulting 10% pollutant removal requirement will be addressed on the site. The 10% worksheets and further information about the 10% pollutant removal requirement are available on this office's website at the following website:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html.
6. COMAR 27.01.02.03.D(4) requires that if practicable, permeable areas within IDA shall be established in vegetation. Please provide a landscape plan demonstrating that this requirement has been addressed.

The comments above are based on the preliminary information this office has received at this point about the project and reflect the review and evaluation of the project by Commission staff. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. Additional comments may be provided as the project progresses. We are happy to meet with the applicant to discuss any further questions about the proposed project. Please feel free to contact me at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AN 536-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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September 23, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Thomas Tract, Lot 16
C08-0071-00NC, G02013625

Dear Ms. Krinetz,

I have received the above-referenced site plan for review. The applicant proposes to construct a commercial building and parking area on an existing 0.68 acre lot. The property is currently undeveloped, it is within the Critical Area and it is classified as an Intensely Developed Area (IDA). I have provided comments on the proposed site plan below:

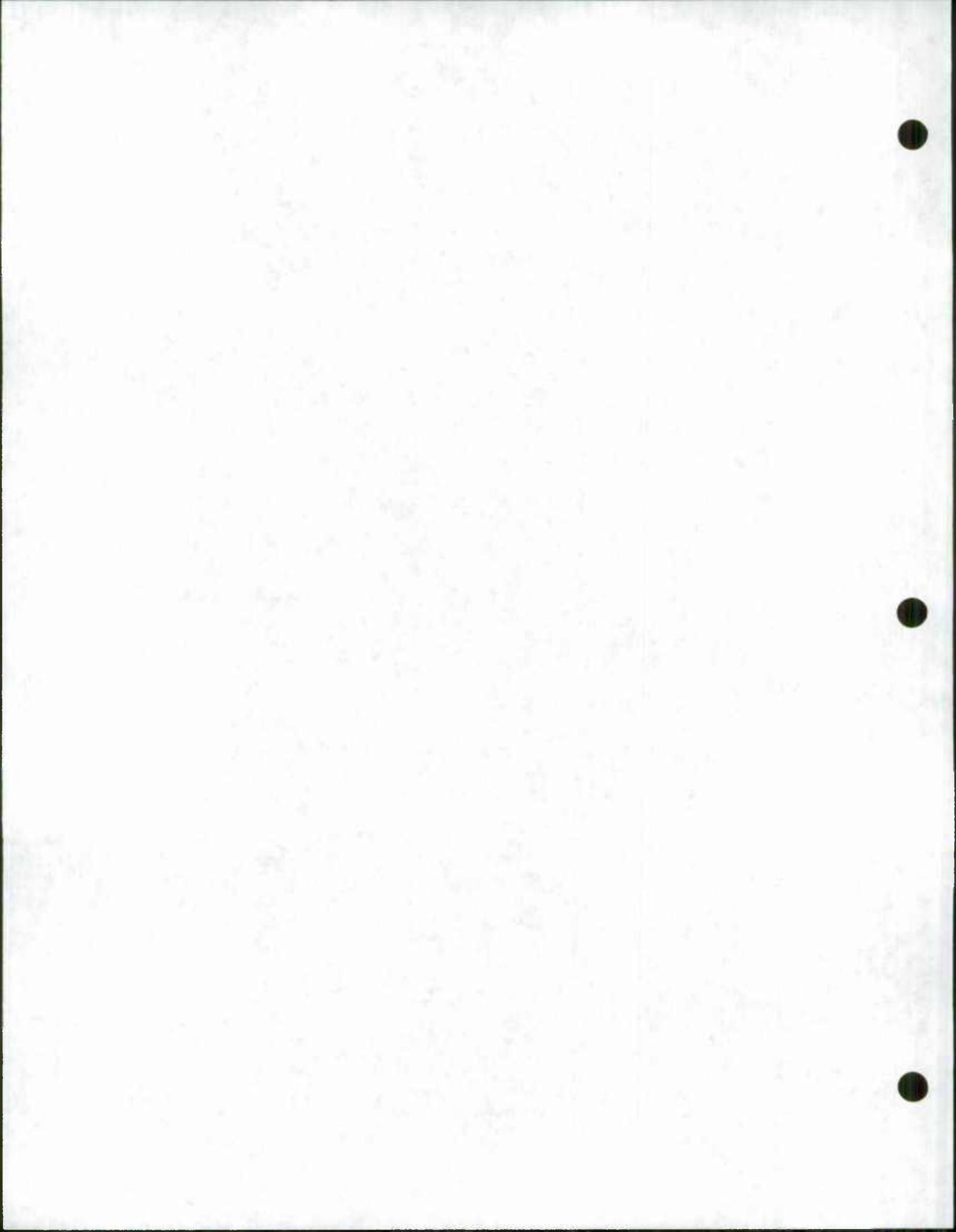
1. The applicant must complete and submit the 10% pollutant removal requirement calculation worksheets and show how the resulting 10% pollutant removal requirement will be addressed on the site. The 10% worksheets and further information about the 10% pollutant removal requirement are available on this office's website at the following website:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html.
2. COMAR 27.01.02.03.D(4) requires that if practicable, permeable areas within IDA shall be established in vegetation. Please provide a landscape plan demonstrating that this requirement has been addressed.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 23, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Deale Properties South, LLC Property, Hardware Store
G02013502, B02249668

Dear Mr. Burke,

Thank you for forwarding the above-referenced revised site plan for review. The applicant proposes to redevelop an existing commercial building and parking area on a 35,848 square foot property. 11,062 square feet of the property are within the Critical Area and are designated as an Intensely Developed Area (IDA). I have provided comments below:

1. The applicant indicates that a rooftop disconnect credit will be taken for the proposed building. In order for the roof area to qualify for a disconnect credit, the applicant must show that the rooftop runoff will be directed to a pervious area that is at least 75 feet in width, or that there is a stormwater storage facility that is sized to contain 80 cubic feet of stormwater per 1,000 square feet of rooftop. Please have the applicant provide additional information which illustrates that the proposed rain gardens will be designed such that the roof area will be eligible for the rooftop disconnect credit as described above.
2. As mentioned above, the applicant's submitted materials indicate that a rooftop disconnect credit will be taken for the proposed building. It is unclear whether this credit is reflected in the 10% calculations. Please have the applicant clarify whether the applicant has already deducted credit for the impervious area of the proposed building, and confirm that this area was included in total site area for the property.
3. The applicant's submitted 10% calculations indicate that the pollutant removal requirement for the site will be addressed by biofilters. It is unclear where these biofilters are proposed on the site. The MDE specifications for biofilters show that these stormwater treatment devices consist of a strip of mulch or landscaping, then a gravel diaphragm, and then an area that functions as a bioretention area. Please have the applicant provide information showing where these biofilters will be located, and specifications showing that they will be constructed in a manner that is consistent with the MDE recognized biofilters.

Mr. Burke
September 23, 2008
Page Two

4. Please have the applicant provide a drainage map for the property showing how much of the drainage area within the IDA on the site will be directed to the proposed BMPs.
5. COMAR 27.01.02.03.D(4) requires that if practicable, permeable areas within IDA shall be established in vegetation. The applicant's response indicates that the landscaping plan was submitted. However, the only plantings that are shown on the plan are within the proposed rain gardens. Please have the applicant clarify whether any additional plantings on the property within the IDA are feasible.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 359-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 24, 2008

Ms. Vanessa Crankfield
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: 636 Stillwater Road/Gibson Island
Modification #10084, B02250678

Dear Ms. Crankfield:

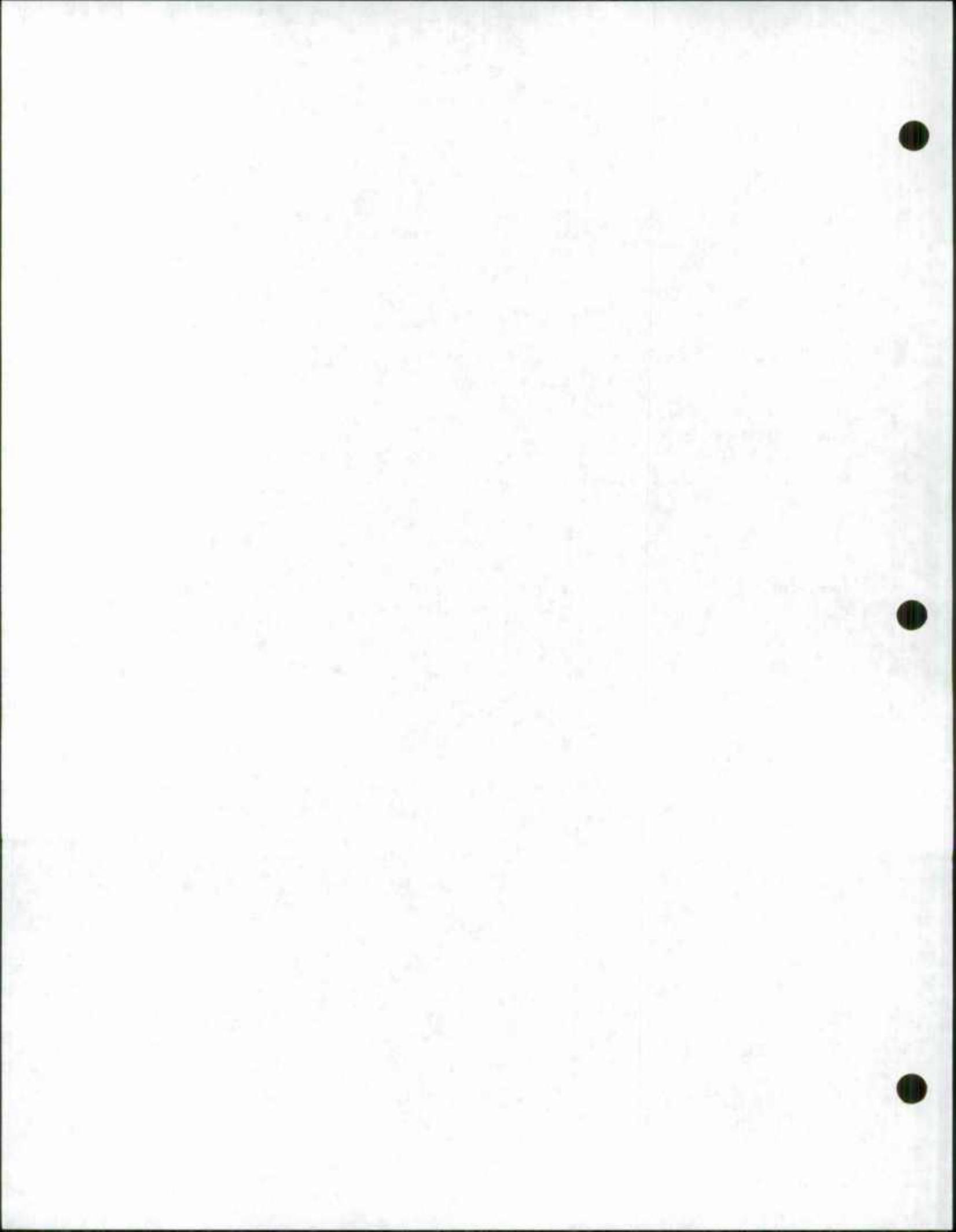
Thank you for forwarding the above mentioned modification request. It appears that the applicant's property is not in the Critical Area and consequently this office does not have any comments on the requested modification.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner
AA 539-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 24, 2008

Mr. Thomas Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: McConkey Property
S 08-033, P 08-007300-NM

Dear Mr. Burke,

Thank you for providing the above referenced subdivision request final resubmittal. The applicant proposes to subdivide an existing parcel into two lots, to retain the existing dwelling on one lot and to construct a new dwelling on the other lot. The 2.74 acre property is in the Critical Area, is designated as a Limited Development Area (LDA) and is currently developed with a dwelling, driveway, patio and shed. The applicant has addressed all of our comments.

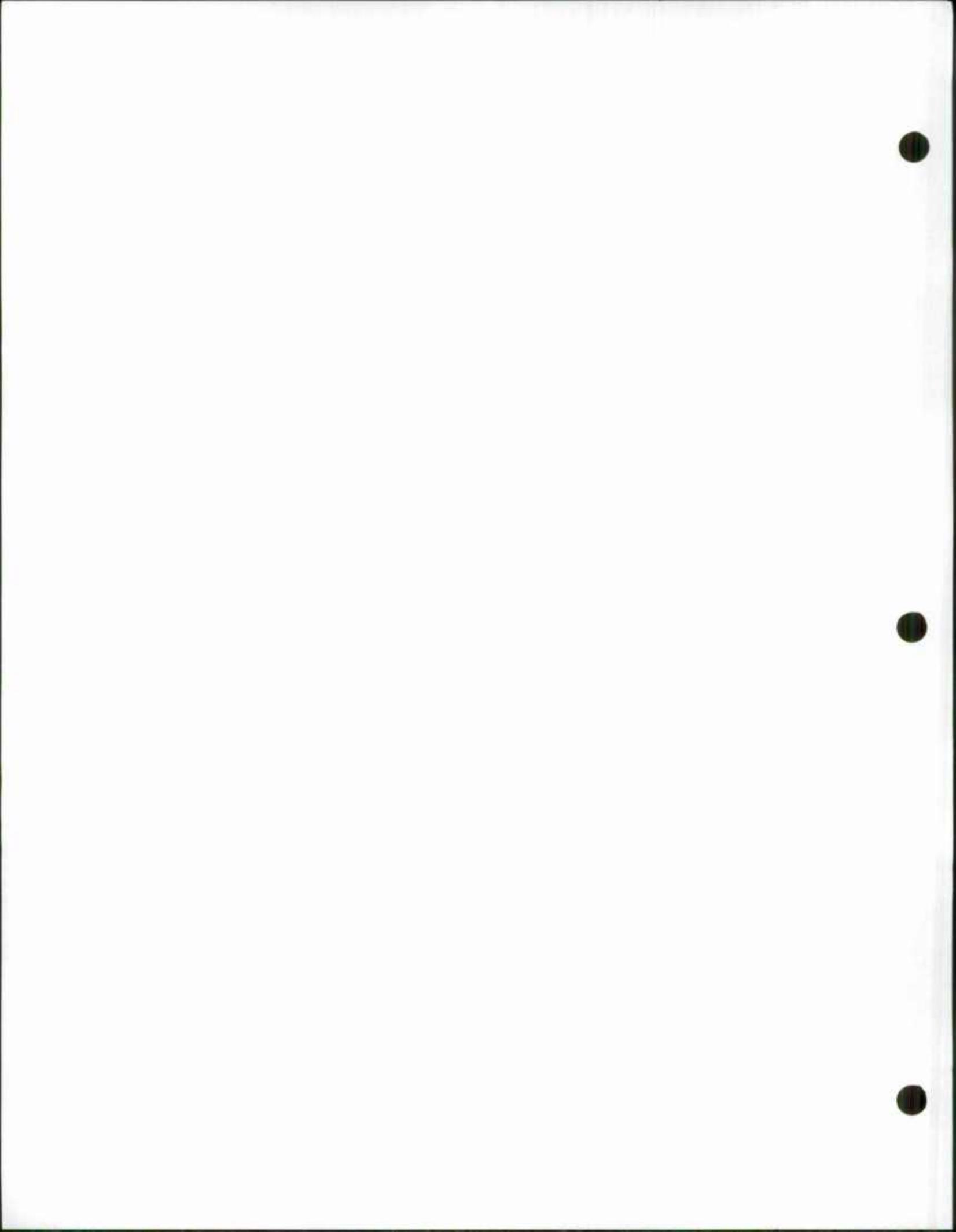
Thank you for the opportunity to provide comments. Should other questions regarding this application arise, please call (410) 260-3481.

Sincerely,

A handwritten signature in cursive script, appearing to read "AW", written in dark ink.

Amber Widmayer
Natural Resource Planner

cc: AA 269-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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www.dnr.state.md.us/criticalarea/

September 25, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: 1305 Butternut Street, Avalon Shores
Modification #10028, S1998-033, G02012521

Dear Mr. Burke:

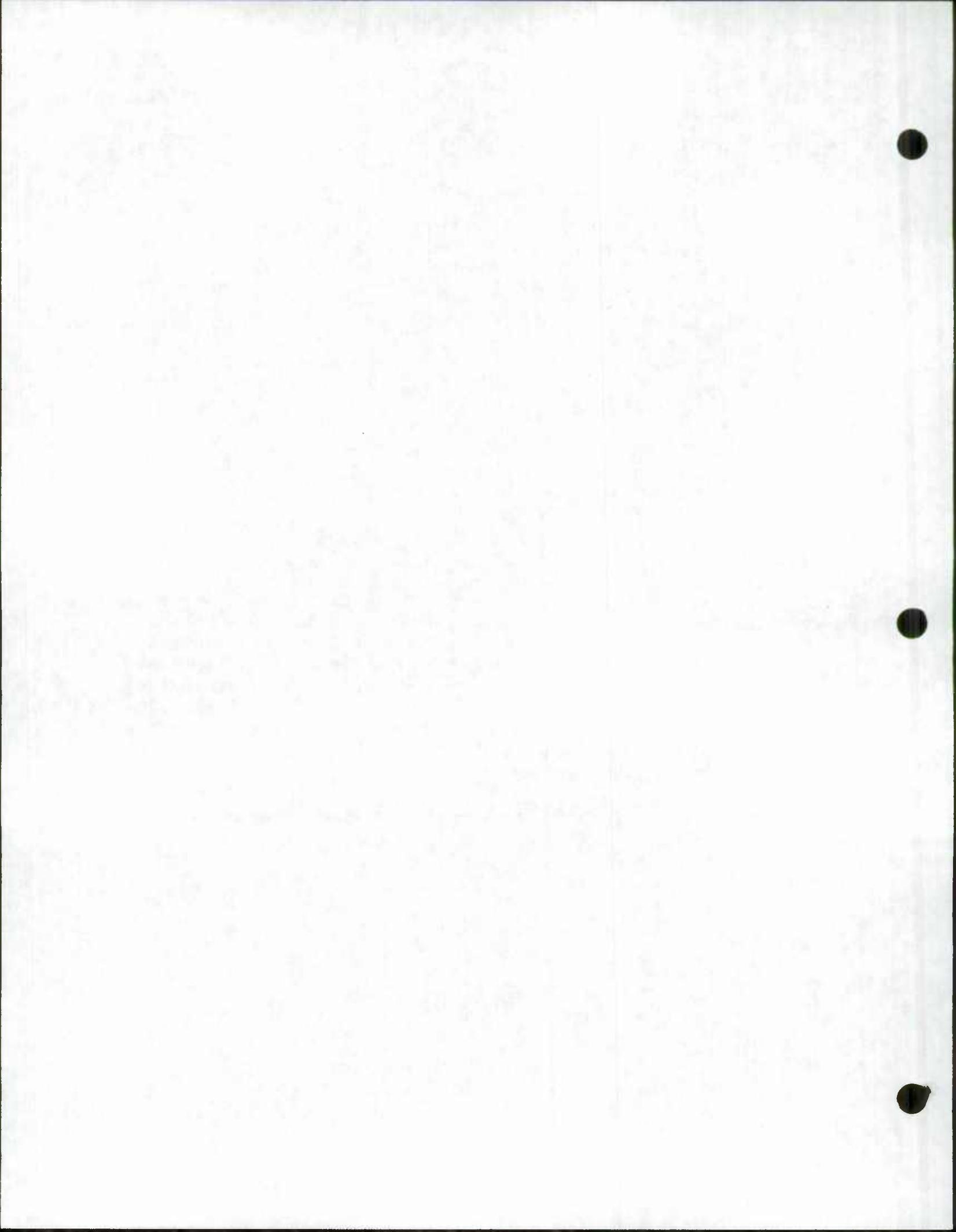
Thank you for forwarding the above mentioned modification request. Previously, this office reviewed the development proposal for this property as a variance request to disturb the nontidal wetlands and 25-foot buffer on the property for construction of a dwelling and driveway, and we submitted a comment letter dated September 11, 2008. We did not oppose the request, provided the applicant receives the necessary permits from Maryland Department of the Environment to disturb the nontidal wetlands and 25-foot nontidal wetland buffer on the property, and provided the applicant addresses any resulting mitigation requirement for this disturbance and any clearing for the proposed development. Subsequently, the variance request was granted. This office has no additional comments on this proposal for purposes of the modification request.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner
AA 300-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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September 29, 2008

Mr. Ron Bowen
Anne Arundel County
Department of Public Works
2664 Riva Road, MS 7200
Annapolis, Maryland 21401

Re: Forest Conservation Easement Relocation/Cheney Property

Dear Mr. Bowen,

I have received information regarding the County's proposal to relocate a 49,910 square foot forest conservation easement area within the Critical Area.

It is this office's understanding that 49,410 square feet of a forest conservation easement area on the Herring Cove property will be removed from the Herring Cove easement, and will be replaced with a 49,410 square foot easement area on the Vineyard property. The proposed easement area transfer is required because the edge of a dredge disposal site is located within this 49,410 square foot easement area on the Herring Cove property. Therefore, the Herring Cove easement will be revised so that it does not include the dredge disposal site, and 49,410 square feet of permanently protected forest conservation area will be set aside within the Vineyard property to compensate for the reduction of easement area on the Herring Cove property.

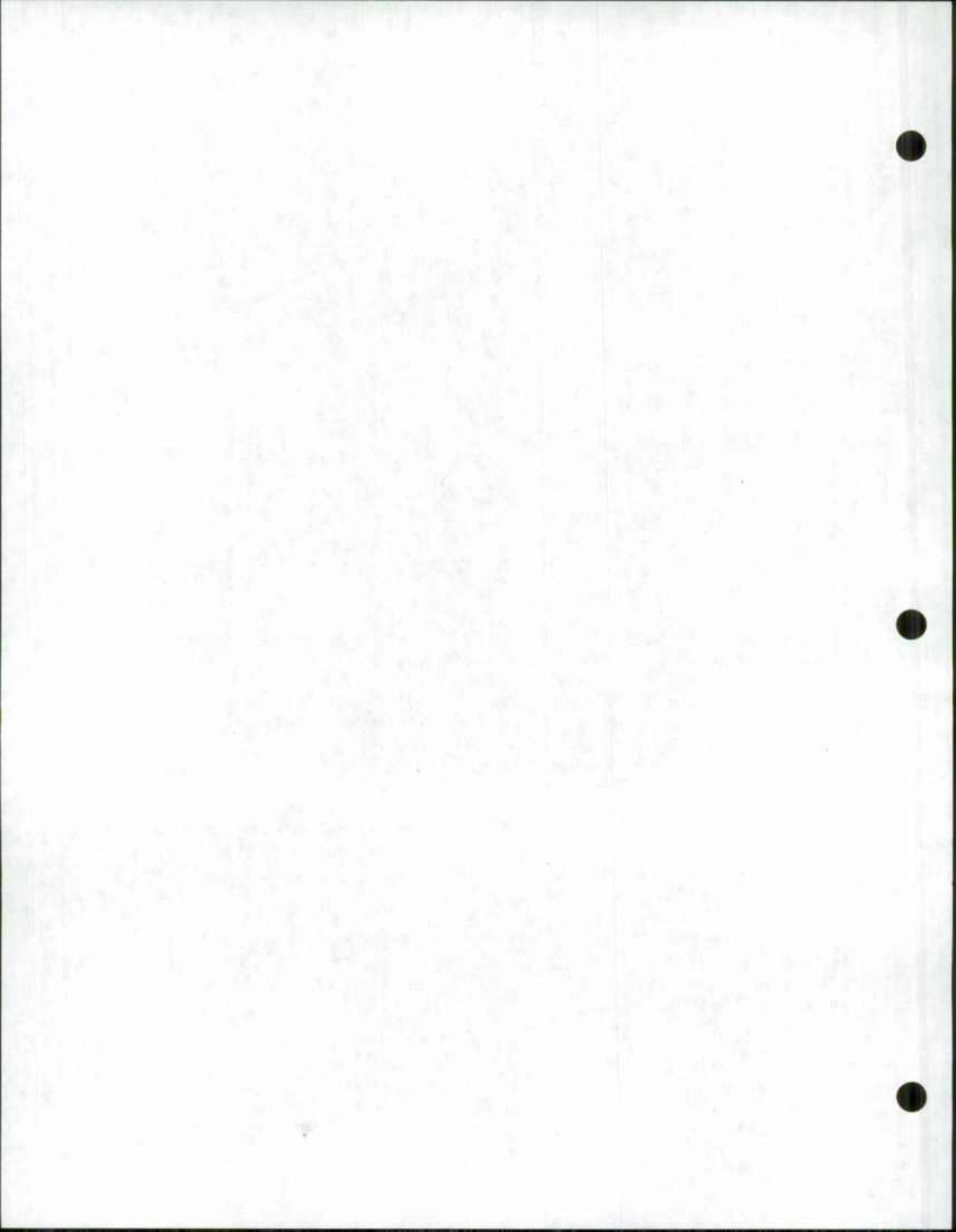
Because the existing easement area within the Critical Area will be replaced with an equal easement area within the Critical Area on another property, the proposed easement relocation does not raise any Critical Area concerns. As such, this office has no comments on the County's proposed relocation of 49,410 square feet of forest conservation easement area.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 30, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Suddeth Property
S 87-153, P 07-010800NS, Formerly MS 87-153

Dear Mr. Burke:

I have received a resubmittal for the above-referenced subdivision application. The applicant proposes to create a 16 lot subdivision from an existing parcel with construction of a single family home on each lot. 1.27 acres of the 20.19 acre property are in the Critical Area and are designated as a Limited Development Area (LDA). Within the Critical Area portion of the property, the applicant proposes to remove existing structures that are a bait shop, nursery, and gravel driveway and parking area, and to construct outfall pipes from a proposed stormwater management pond and an entrance road to the proposed subdivision. The applicant indicates in the resubmittal that a response to this office's comments in my May 23, 2008 letter will be provided on the final plans. I have included this remaining comment below:

1. Previously, this office noted that it appears that there may be a stream and wetland system on the property. In the Soils, Wetland and Watershed section of the submitted Habitat Assessment, the applicant indicates that "the wetland area was not as extensive as indicated on the maps provided in the appendix." We did not receive any wetland maps, and it does not appear that any wetlands or wetland buffers are shown on the plans. Also, the applicant states, "no streams were found onsite, however, just outside the property boundary there [was] standing water and an overland drainage [was] observed coming from a culvert on the adjacent property flowing in a southerly direction toward the culvert which crosses MD 214." Regardless of whether the above described feature is on the property, if it is a stream and it is in the Critical Area, it should be shown on the plans with the required 100-foot Buffer since this Buffer may fall within the property boundary. Also, the plans should show the limits of any wetlands or nontidal wetland buffers on the property. If the proposed work within the Critical Area is within any of the wetlands or Buffers, the applicant may have to obtain a variance or Maryland Department of the Environment permits for any proposed disturbance to these features.

Mr. Burke
September 30, 2008
Page 2 of 2

Thank you for the opportunity to comment. Please telephone me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 207-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 30, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Dutchship Pointe Lot 4 Site Plan
S 99-093, P 08-0087

Dear Ms. Krinetz,

I have received the above-referenced site plan for review and comment. The 7.2 acre lot is within the Critical Area and it consists of non-contiguous sections. A portion of the lot is located on the mainland, is classified as a Limited Development Area (LDA) and is developed with a road and parking area. The majority of the lot consists of a 6.87 acre island which is classified as a Resource Conservation Area (RCA) and is currently undeveloped. The applicant proposes to construct a dwelling, driveway, deck, septic system and stormwater treatment facility on the island portion of the lot. As authorized by COMAR 27.03.01.02.C, the Commission requests additional information from the applicant so that Commission staff may accurately evaluate the application. I have outlined my requests for additional information as follows:

1. Please have the applicant provide information explaining how the expanded Buffer was measured on the property, and confirming that it was mapped at least 50 feet from the top of slopes 15% or greater that are contiguous with the 100-foot Buffer. Also, it does not appear that the expanded Buffer is shown on the whole property. For instance, only the 100-foot Buffer is shown where the proposed driveway is located, yet the 100-foot Buffer is contiguous with slopes 15% or greater throughout much of this portion of the property. The complete expanded Buffer must be shown on the plans. Further, it appears that the expanded Buffer that is shown around the proposed house on the plans that were submitted for the variance request does not match the expanded Buffer that is shown on the current plans. Please have the applicant provide information that explains this change. Also, to confirm that the Buffer has been measured from the mean high water line as is required, please have the applicant include the mean high water line on the plans.
2. There are several conditions on which the variance was granted to permit disturbance within the Buffer for the proposed development. It is unclear from the current plan in the absence of additional information how these conditions have been addressed. Therefore, please have the

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applicant provide the following information to illustrate how the variance conditions have been addressed within the current development plans:

- The applicant was required to “eliminate the encroachment at the south side façade of the dwelling into the 100-foot Buffer and at the north and south side façades into the expanded Buffer.” Please have the applicant explain how this has been done.
 - Another condition of the variance approval required the area of the proposed stormwater management facility to be reduced, yet this area appears to be the same on the current plan as it was on the plans submitted with the variance applications. The applicant must demonstrate that the stormwater management facility area has been reduced.
 - A variance condition required the area within the limit of disturbance for the proposed development to be reduced to reflect the required reduction of impact area from the house, stormwater management facility, and driveway. Please have the applicant provide the revised acreage that is within the new limit of disturbance, and explain where the limit of disturbance on the variance application plan has been reduced. According to the plans submitted for the variance application, the proposed disturbance within the Buffer was 25,992 square feet, and the total area within the limit of disturbance was 28,949 square feet. Therefore, the new area of disturbance within the Buffer and the total limit of disturbance must be less than these previous calculations under this condition of the variance.
 - Another variance condition required the applicants to provide a Buffer Management Plan which in this case must be, “a separate plan showing a 50-foot planted Buffer between the dwelling and steep slopes.” Additionally, this Buffer Management Plan must show that the other mitigation requirements for the proposed development, as described in comment #3 below, will be addressed on the property to the extent feasible. It does not appear that such a Buffer Management Plan has been submitted. The applicant must submit this Buffer Management Plan.
3. The proposed development requires several different types of mitigation for many of the proposed development impacts. Please have the applicant quantify the revised area of impacts by impact type, and the resulting mitigation requirement based on the applicable mitigation ratio, as summarized below:

The applicant must provide mitigation for;

- the total area of disturbance on the island in the Buffer that is above mean high water from clearing, grading and placement of fill or stone at a 1:1 ratio for the proposed stone revetment;
- the total area of disturbance on the island in the Buffer and expanded Buffer from clearing, grading and lot coverage at a 2:1 ratio for the proposed water dependent driveway;
- the total area of disturbance on the mainland in the Buffer from clearing, grading and lot coverage at a 2:1 ratio for the road and parking area;
- the total area of disturbance in the Buffer from grading, clearing and lot coverage at a 3:1 ratio for the proposed 180 square foot paved turnaround area;
- the total area of forested area cleared outside of the Buffer on the island and mainland at a 1:1 ratio; and,

- the total area of disturbance in the Buffer on the island from clearing and grading at a 3:1 ratio for the proposed stormwater management facility.

We recommend that the applicant include a chart on the Buffer Management Plan that outlines the above described impact areas and resulting mitigation requirements. The variance conditions require that to the extent feasible, the applicant shall provide the required mitigation on site. Please have the applicant provide information as to how any remaining mitigation requirement that can not be completed on the property will be addressed.

4. Please have the applicant provide confirmation that the required permits have been obtained from Maryland Department of the Environment (MDE) for the proposed stone revetment and for the impacts to the wetlands on the mainland portion of the property.
5. Please have the applicant show the mainland portion of the property in the plans. According to information in the file for this project, there is currently 5,358 square feet of existing forested area on the mainland with 1,748 square feet of clearing proposed, and there is currently 2,349 square feet of lot coverage from the road and parking area with 2,142 square feet of lot coverage proposed. However, it is unclear if the proposed clearing and lot coverage has already been completed. Please have the applicant clarify whether these numbers are correct, whether any further disturbance is proposed on the mainland portion of the property, and if so, the purpose of the proposed disturbance.

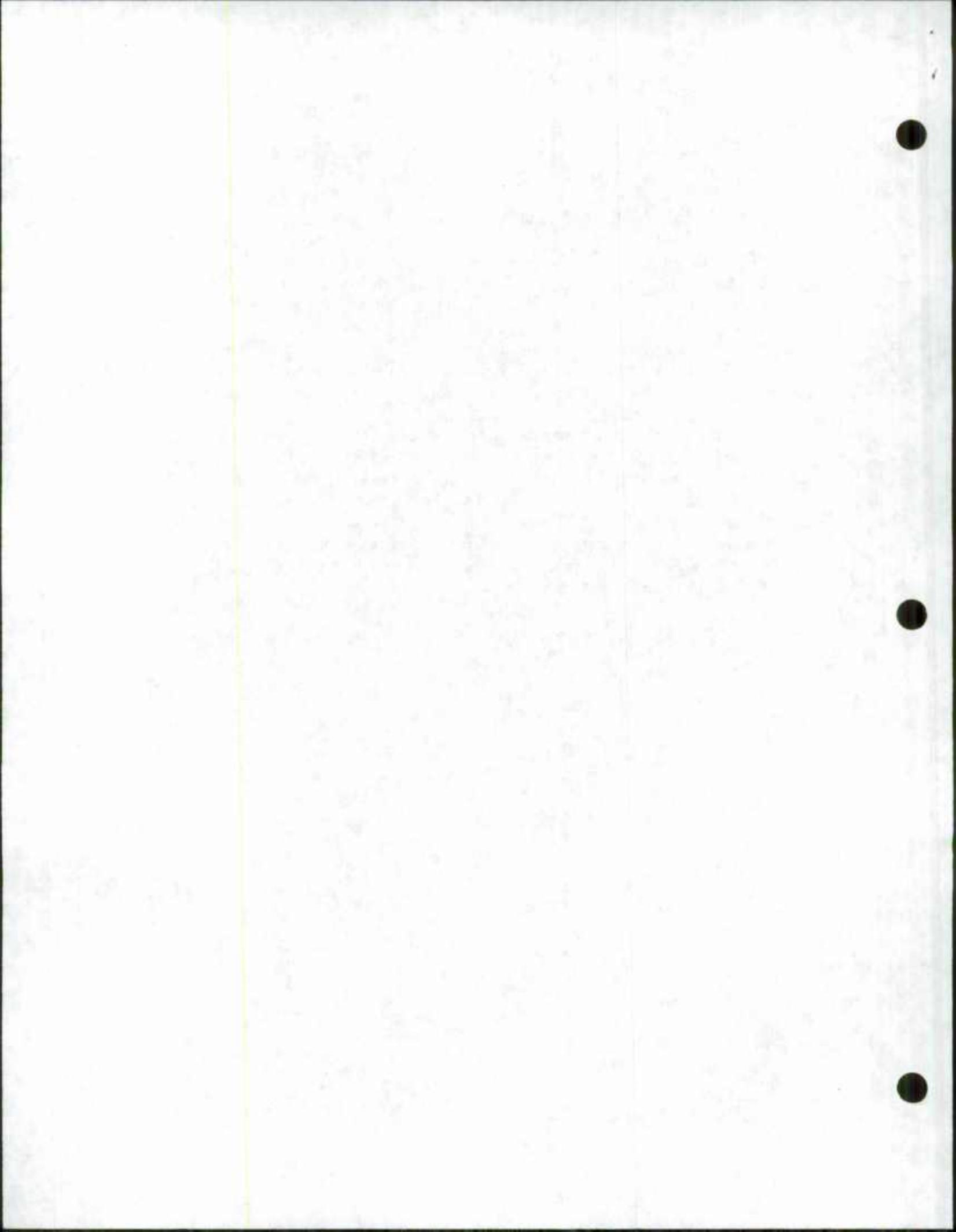
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 433-99



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 1, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Zafiriou, Linda Ann
S 07-064, P 07-0175

Dear Mr. Burke,

Thank you for forwarding the above referenced final subdivision plat request. The applicant proposes to subdivide an existing 1.01 acre parcel into two lots, to retain the existing house on one lot and to construct a new house on the other proposed lot. The property is classified as a Limited Development Area ("LDA"). The applicant has addressed all of our comments.

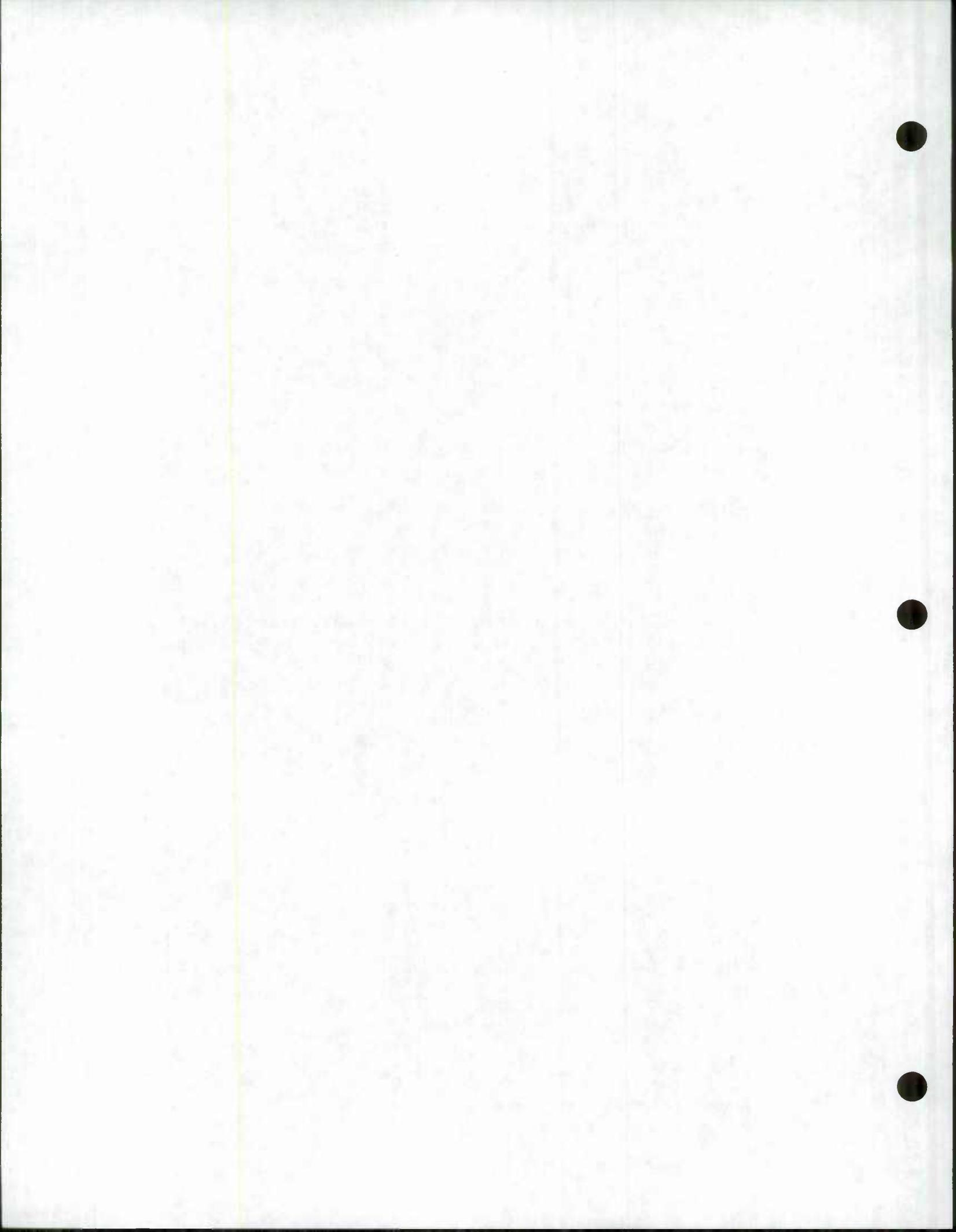
Thank you for opportunity to provide comment. Should you have any other questions regarding this project, please call (410) 260-3481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 576-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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Ren Serey
Executive Director

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October 2, 2008

Mr. Elder Ghigiarelli
MDE, Water Management Administration
Wetlands and Waterway Program
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, Maryland 21230-1708

Re: Sellers Park Recreation Center, USNA
Anne Arundel County

Dear Mr. Ghigiarelli:

This office has received the above-referenced project for review and comment. The project proposes the removal of lot coverage which is a demolished building foundation and sidewalks, and redevelopment of the site as a multi-purpose grass play field and a playground. The entire project site is in the Critical Area and the property is considered an area that is intensely developed.

Commission staff have reviewed the application materials. Because of the extent of the existing lot coverage that will be removed, there is no resulting 10% pollutant reduction requirement for the proposed redevelopment. It appears no new development or forest clearing is proposed on the site at this time and that the required sediment control practices will be implemented. If new construction is proposed on this site in the future, new structures should be kept outside of the 100-foot Buffer and Commission staff will need to review such plans to ensure they are consistent with our program goals.

Based on our review of this project, Commission staff finds this application to be consistent with the goals and objectives of the Critical Area Law and Criteria.

Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3481.

Mr. Ghigiarelli
October 2, 2008
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read 'AW', written over a horizontal line.

Amber Widmayer
Natural Resources Planner

cc: FED 58-06
Jeffrey Morris, USNA

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 7, 2008

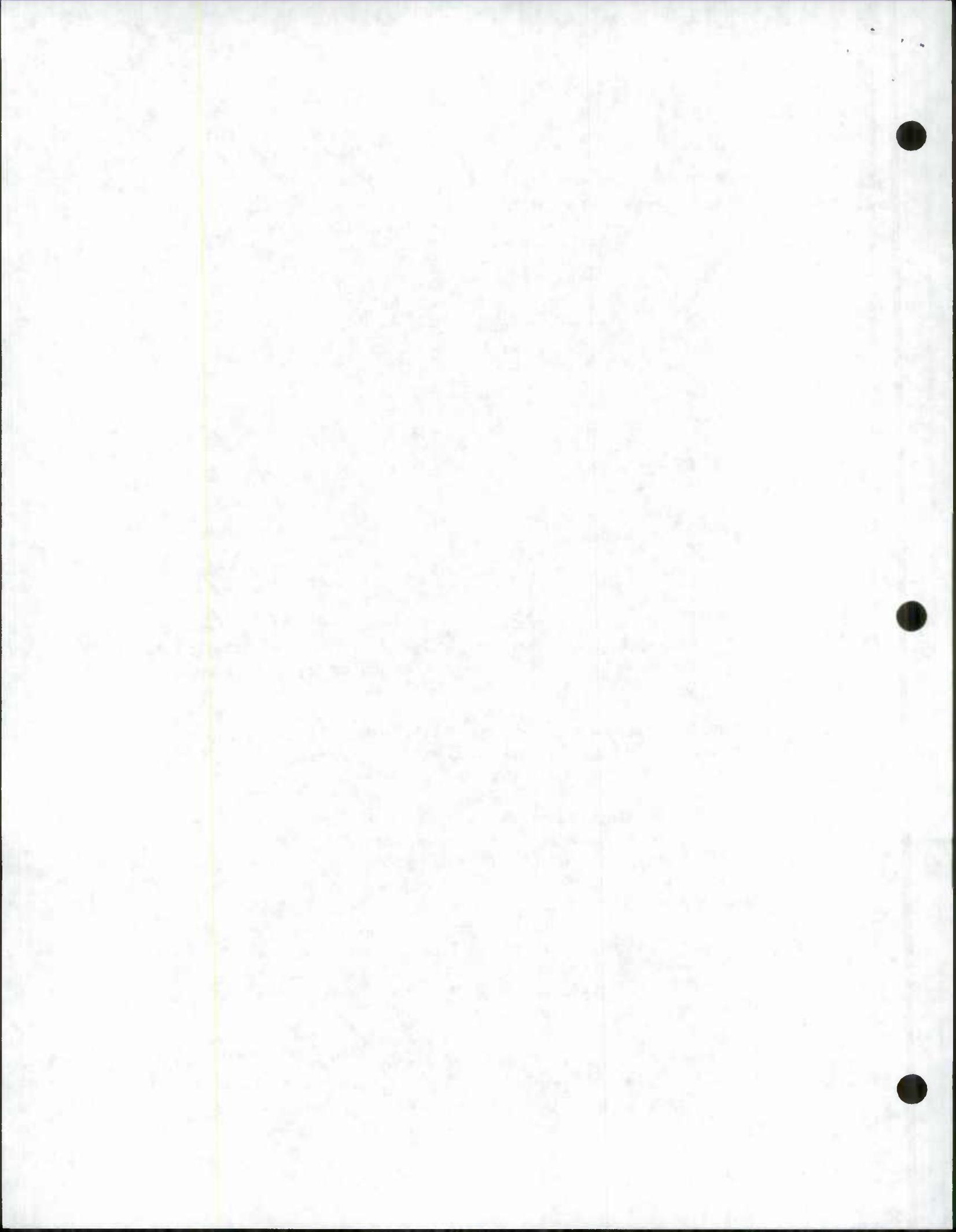
Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Elk's Landing
S 06-072, P 06-0154

Dear Mr. Burke:

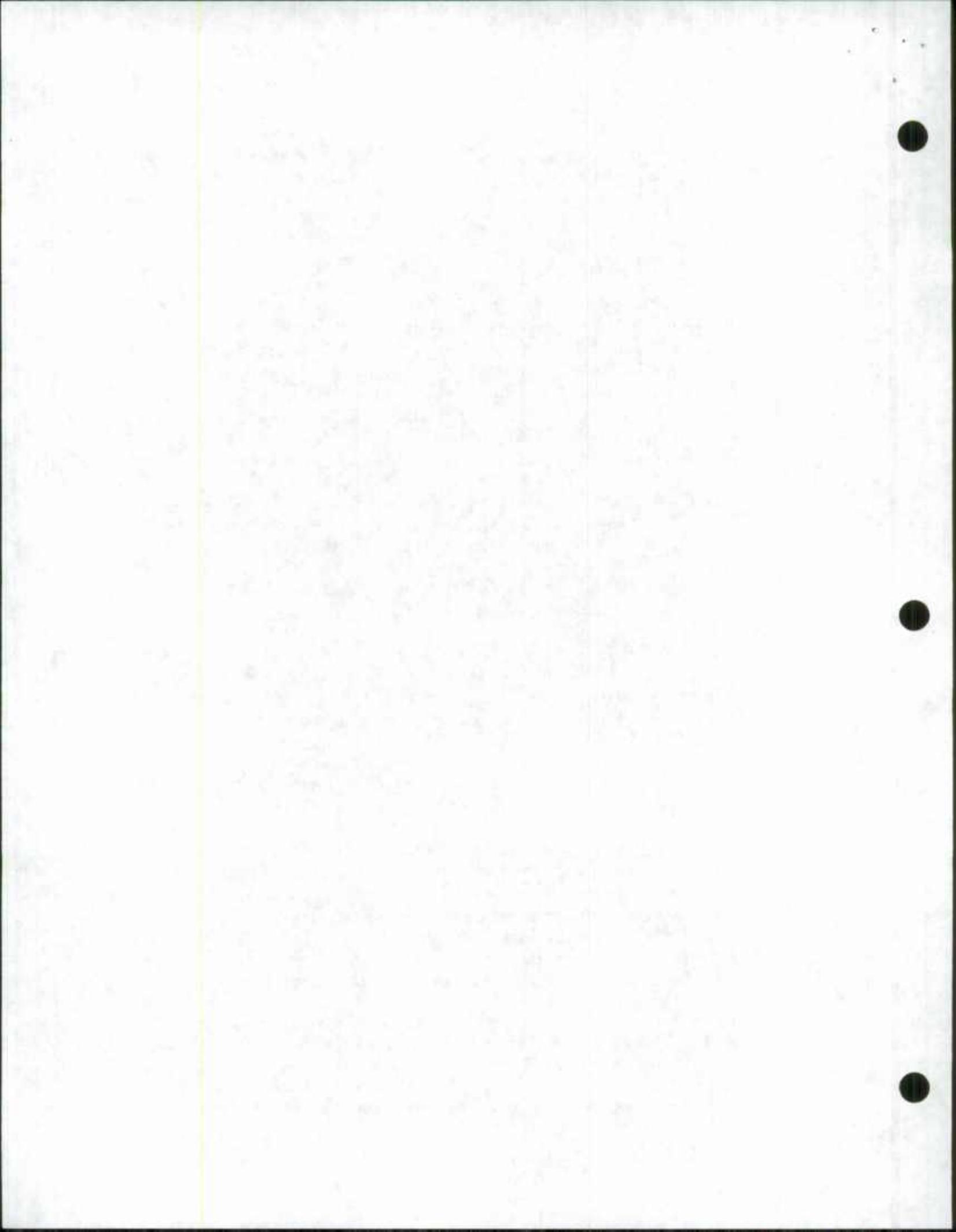
Thank you for forwarding the resubmittal for the above referenced subdivision request. The proposed project is for the creation of a 25-lot residential subdivision. It appears that the applicant has addressed some of this office's previous comments from my January 19, 2007 letter. I have outlined my remaining comments below:

- 1) As mentioned in our previous letters, the applicant should include a chart on the plat and plan that identifies the proposed lot coverage for the proposed lots, roads, paths and any other proposed lot coverage within the subdivision.
- 2) As we have noted in previous letters, the total proposed area of lot coverage for the subdivision is already 14.9% of the property area that is within the Critical Area. This only leaves a total of 963.49 square feet of future impervious area enhancements for all of the future owners of the proposed 25 lots. It is our position that all future disturbances associated with newly created lots should not require variances to the County's Critical Area Program requirements. Accordingly, the subdivision's proposed area of lot coverage must be reduced to leave future lot owners reasonable room for lot coverage enhancements to their property. We strongly recommend that the County not approve this subdivision request until the applicant has addressed this issue.
- 3) On previous plans, the applicant had addressed this office's recommendation to install signs or fencing along the lot lines which abut forest conservation areas and nontidal wetland buffers to deter encroachment into these areas by future



property owners. However, such signage and/or fencing to mark the edge of these areas is no longer shown on the plans. Please have the applicant replace the proposed signage or fencing on the plans.

- 4) Please have the applicant quantify the proposed forest conservation easement areas on the property.
- 5) The plans indicate that 71,595 square feet, or 30%, of the 239,414 square feet of existing forested area on the property will be cleared. Because this is more than 20% of the existing forested area, the County Code requires that this clearing be mitigated at a 1.5:1 ratio. While the applicant's plans state that mitigation will be provided at the required 1.5:1 ratio, the plans indicate that this amounts to 62,949 square feet of required mitigation. This is incorrect. 71,595 square feet of clearing multiplied by 1.5 equals 107,392.5 square feet, or 2.47 acres of required reforestation mitigation.
- 6) The applicant's plans indicate that the reforestation requirements described above will be addressed on site. However, it is unclear where this reforestation will be located. Please have the applicant provide a planting plan which shows the proposed reforestation areas and the acreage of these areas. Also, please have the applicant provide information as to how any remaining reforestation requirement that can not be completed on site will be addressed.
- 7) Previously, this office reviewed plans dated June 2003 for the proposed subdivision of parcel 96 into three lots. Those plans show that there are at least 12 specimen trees on the then proposed (and now existing) lot 2 of parcel 96, most of which appear to be located within the proposed building restriction lines of the now newly proposed lots 1-9. However, the current subdivision plans do not appear to show specimen trees in the same location. Please have the applicant resolve this apparent conflict between the information provided on the previously approved subdivision plans, and the currently proposed subdivision plans.
- 8) The existing forest conservation easement areas that are platted on existing lot 2 of parcel 96 do not appear to match what is shown on the current plans. For instance, on the existing plat dated May 2005, the area labeled as FCA #2 extends to the lot's eastern boundary along Owings Beach Road while the existing easement area shown on the current plans does not. Please have the applicant resolve the apparent inconsistency between the existing easement area on the recorded plat and the existing easement area that is shown on the current plans.
- 9) We note that there are several areas on the plan labeled as existing forest conservation easement to be removed. The existing forest conservation easements were placed on the property for the purpose of permanently restricting disturbance within these areas. Therefore, the applicant should not be allowed to relocate these easement areas for the purpose of accommodating a desire for a certain

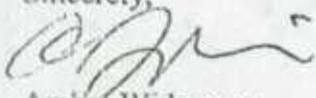


Mr. Burke
October 7, 2008
Page 3 of 3

number or configuration of lots. Once the location of the existing forest conservation easement areas on the property is confirmed as requested above, the applicant's subdivision of the property should be configured so that no disturbance or alteration of these areas is proposed. Additionally, as a result of the variance condition that reads, "The Forest Conservation Area on Parcel 96, Lot 2, shall remain undisturbed," the applicant is prohibited from disturbing these existing easement areas. Therefore, the proposed disturbance within these areas, and the proposed removal of the easement in these areas, must be removed from the plans.

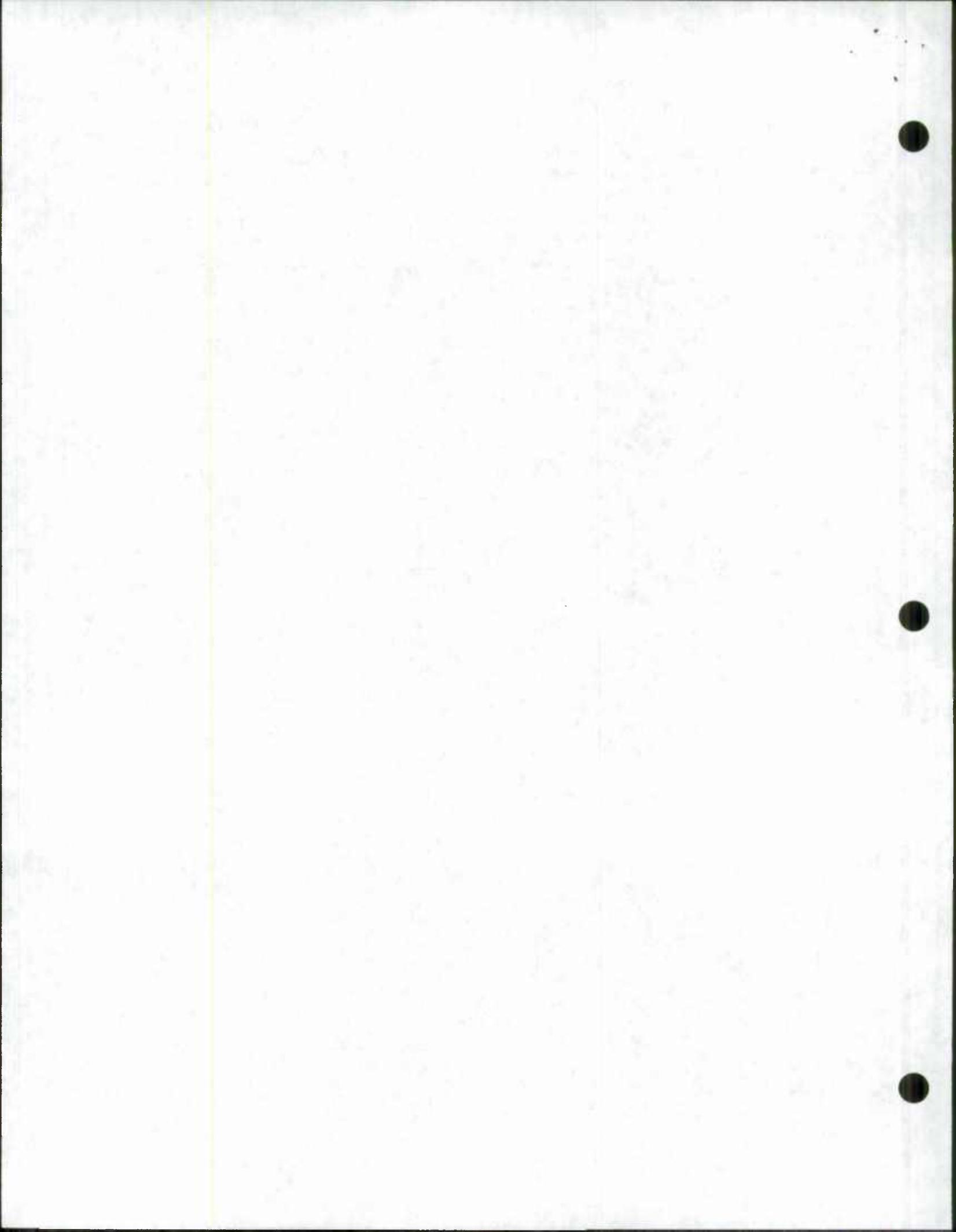
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 479-02



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 10, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: 812 East Ordnance Road
Site plan # C08-004400NC

Dear Mr. Gerczak,

I have received the above-referenced site plan for review. The applicant proposes to locate an office trailer and parking area on an existing gravel area. The property is currently developed with a large gravel area, a shed, several storage trailers and concrete storage bins. The 2.78 acre property is in the Critical Area and is classified as an Intensely Developed Area (IDA). The applicant has addressed some of this office's comments from my June 24, 2008 letter, and indicates that the remaining comments will be addressed in future resubmittals. I have included the outstanding comments that the applicant must address below:

1. The applicant must demonstrate how the 10% pollutant reduction requirement will be met for the proposed redevelopment of this property. Please provide a copy of the 10% rule worksheets for this office to review. The 10% worksheets and further information about the 10% requirement are available on the Commission's website at the following address:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html.
2. There are different numbers provided for the acreage of the property and the impervious surface and forest calculations, in the Critical Area report, on the plans, and on the County's application form. For instance, the Critical Area report indicates the property is 2.78 acres, the existing impervious surface area is 155 square feet, the proposed impervious surface area is 13,141 square feet, and the existing forested area is 0.36 acres. In contrast, the information provided on the County's application form indicates that the property is 2.44 acres, the existing impervious surface area is 1.82 acres, and there is no existing forested area. Further, the plans show that with the proposed office trailer, there will be 2.44 acres of impervious surface area on the property, and there are 0.332 acres of existing forested area. Please have the applicant resolve these inconsistencies.

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Mr. Gerczak
October 10, 2008
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 329-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 10, 2008

Mr. Dan Gerczak
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Carrollton Manor
S 96-069, P 06-146

Dear Mr. Gerczak:

Thank you for forwarding the final plans for the above-referenced subdivision application. The applicant proposes to subdivide a 16,639 square foot property into two lots with construction of a new single family dwelling on each lot. 14,423 square feet of the property are within the Critical Area and are designated as an Intensely Developed Area (IDA).

The applicant has addressed some of this office's comments from my June 26, 2008 letter and I have no further comments at this time.

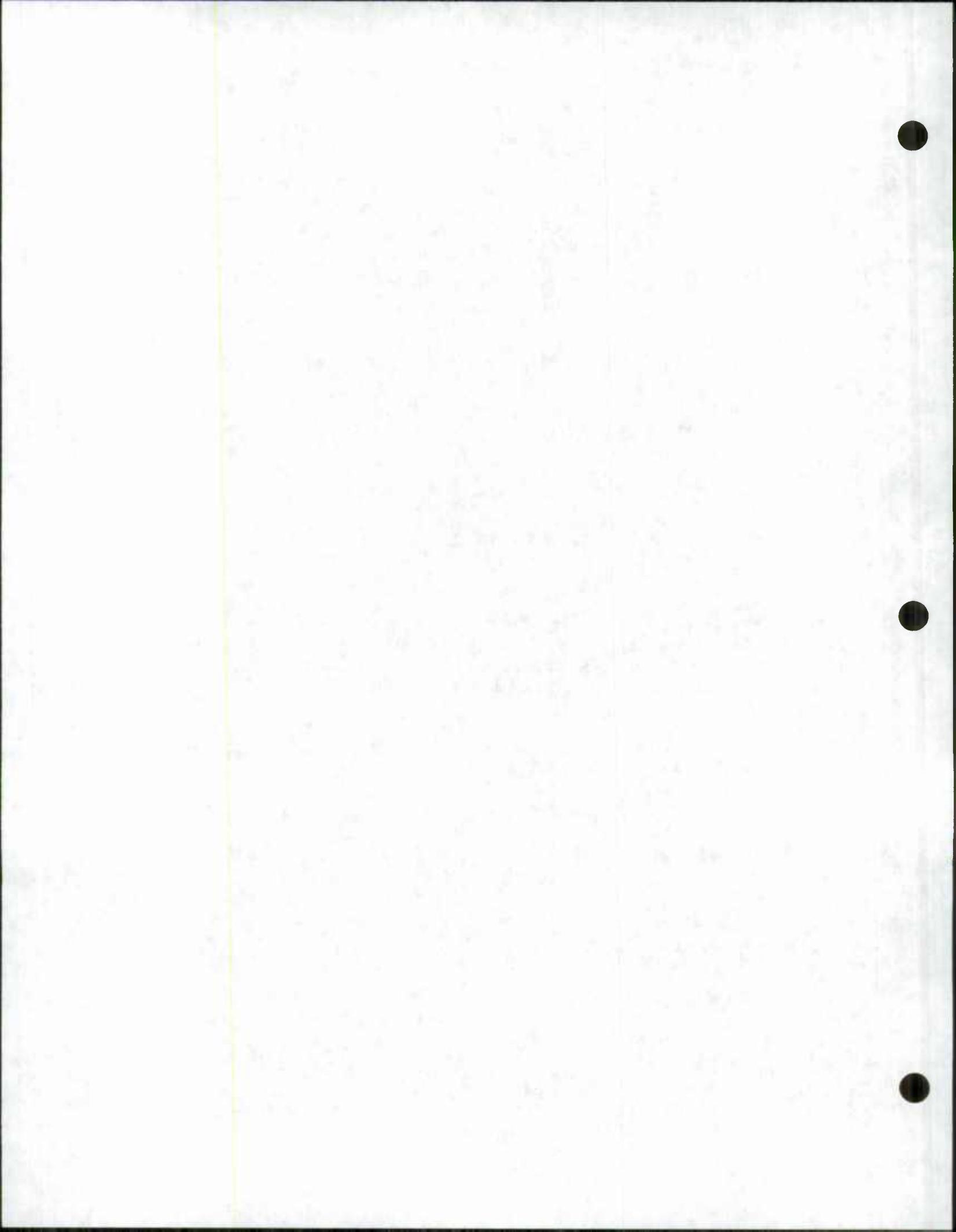
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 784-06



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 10, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Dennis Point Lot 3 Parcel A
S86-218; P07-0195

Dear Mr. Gerczak:

Thank you for forwarding the resubmittal for the above referenced application for review and comment. The applicant is seeking to revise an existing plat for Lot 3 to adjust the boundary of the 25-foot buffer to nontidal wetlands. Lot 3 is 12,981 square feet in size and located in the Limited Development Area (LDA). The lot was recorded as part of the Dennis Point subdivision in 1993. It appears the lot lines followed the boundary of the nontidal wetland and the 25-foot buffer was located from that boundary. According to the application material, a portion of nontidal wetlands adjacent to the lot was filled in by Hurricane Isabel and the plat seeks to rectify that filling with the new nontidal wetland boundary. It does not appear that the applicant has addressed this office's previous comments from Kate Schmidt's July 3, 2008 and March 19, 2008 letters. Therefore, I have reiterated those comments below:

1. Prior to recordation of the plat, the boundary of the nontidal wetland should be verified by Maryland Department of the Environment or the Army Corps of Engineers.
2. The applicant indicated in previous submittals that a Critical Area report would be completed and included in future resubmittals. However, this office has not yet received a Critical Area from the applicant. This report must be submitted when it is available.
3. Please have the applicant provide information that explains why the current lot coverage is 22% of the property and why the applicant asserts that up to 25% of the lot may be developed as lot coverage. If this was the amount of lot coverage allotted to the property when the subdivision was recorded in 1993, the applicant must provide documentation of this fact, along with documentation that the total lot coverage on the subdivision is under the 15% limit for properties within the LDA.



Mr. Gerczak
October 10, 2008
Page 2 of 2

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AA129-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 14, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Bay Meadow Industrial Park
C 08-0025, G 02013383

Dear Mr. Gerczak,

I have received the above-referenced site plan for review. The applicant proposes to construct a 65,000 square foot commercial building and parking lots on an undeveloped 6.54 acre parcel in the Critical Area. The property is designated as an Intensely Developed Area (IDA). At an October 14, 2008 meeting with Commission staff, the applicant demonstrated that most of this office's comments from my July 11, 2008 letter have been addressed. I have provided my remaining comment below:

1. It is this office's understanding based on our October 14, 2008 meeting with the applicant that the 10% calculations will be revised to include bioretention areas and a reduced grass channel credit for the proposed grass channels that will treat only linear areas of impervious surfaces as is appropriate. Please forward these revised calculations and plans once they are available.

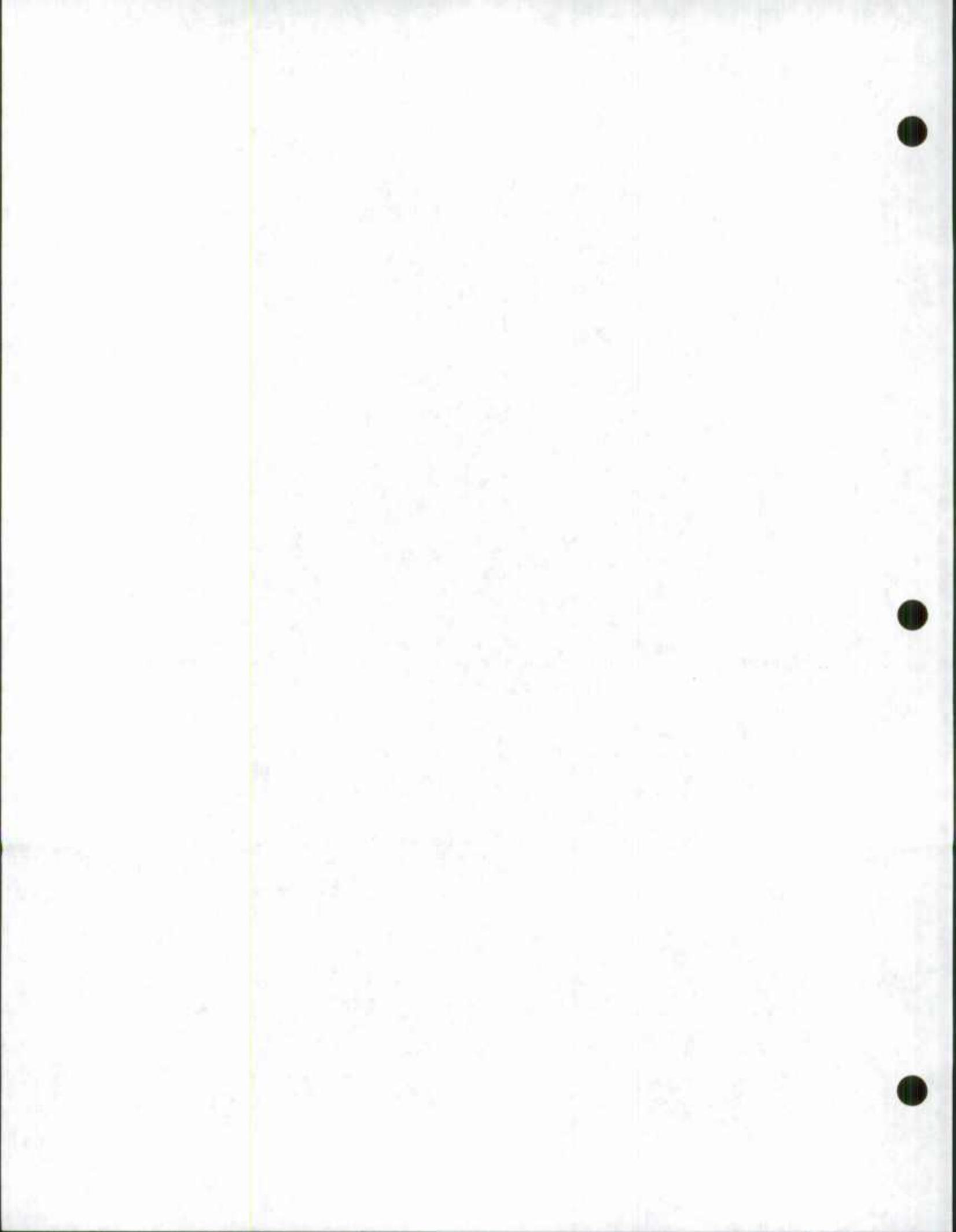
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 179-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
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October 15, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Symphony Village at Tanyard Cove
S 90-210, P 08-006400NS

Dear Ms. Krinetz:

Thank you for forwarding revised information regarding the above-referenced project. The applicant proposes to subdivide a 161 acre property for residential development and 0.348 acres of the property are within the Critical Area and designated as a Limited Development Area (LDA). Within the Critical Area portion of the property, the applicant proposes to construct part of an entrance road, an entrance sign, and a stormdrain. The applicant has addressed this office's comments from my May 29, 2008 letter and I have no further comments on the proposed project at this time.

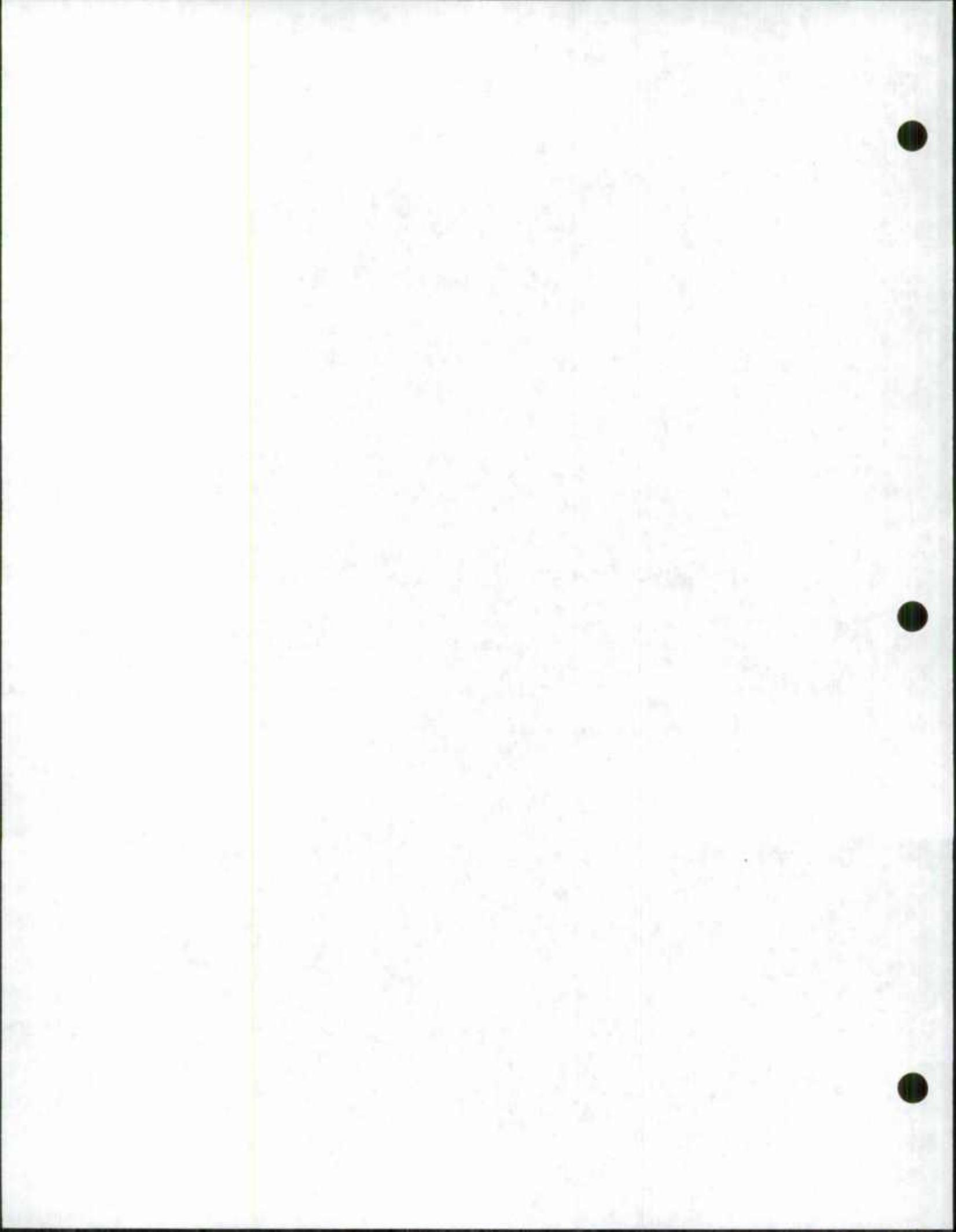
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 218-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 15, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Tebbston on the Magothy Subdivision
S 02-065, P 07-0022

Dear Mr. Burke,

Thank you for forwarding the above referenced final subdivision plat request. The subject site is 9.95 acres located in the Limited Development Area (LDA) of the Critical Area. The applicant proposes to create an 8 lot residential subdivision. The property is currently developed with 15 non-conforming cabins, 4 of which are located within the 100-foot Buffer. The applicant proposes to remove all the non-conforming cabins and create 8 new dwellings as well as a private road all outside of the 100-foot Buffer.

Based on the above referenced application, we have the following comments.

1. We continue to note that as proposed, the subdivision is being developed at its permitted lot coverage limit of 15%. As such, there is no opportunity for future home owners to add additions, sheds, or other impervious features to the site. We continue to recommend that the County require the applicant to reduce the amount of proposed lot coverage per lot in order to provide some flexibility for future lot owners to add minor, reasonable additions to their homes and property.
2. The applicant should be advised that under Section 8, Chapter 119, 2008 Laws of Maryland at 765 lot coverage has been expanded to include walkways outside of the Buffer. The subdivision plat must contain information regarding existing and proposed lot coverage. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development

that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize the County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that;

- a) The approved development plan remains valid in accordance with the County's procedures and requirements; and
- b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by the County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

Thank you for the opportunity to provide comments. Should you have any other questions regarding this project, please call (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resource Planner
cc: AA 60-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 15, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Wallace Manor Property
S 97-029, P 07-020800 NF

Dear Mr. Burke,

I have received the resubmittal for the above-reference subdivision final request. The applicant proposes to re-subdivide an existing lot into two lots and to construct a new dwelling and driveway. The 4.54 acre property is designated as a Limited Development Area (LDA) and is currently developed with a dwelling and driveway which will remain.

Based on the above referenced application, we have the following comments.

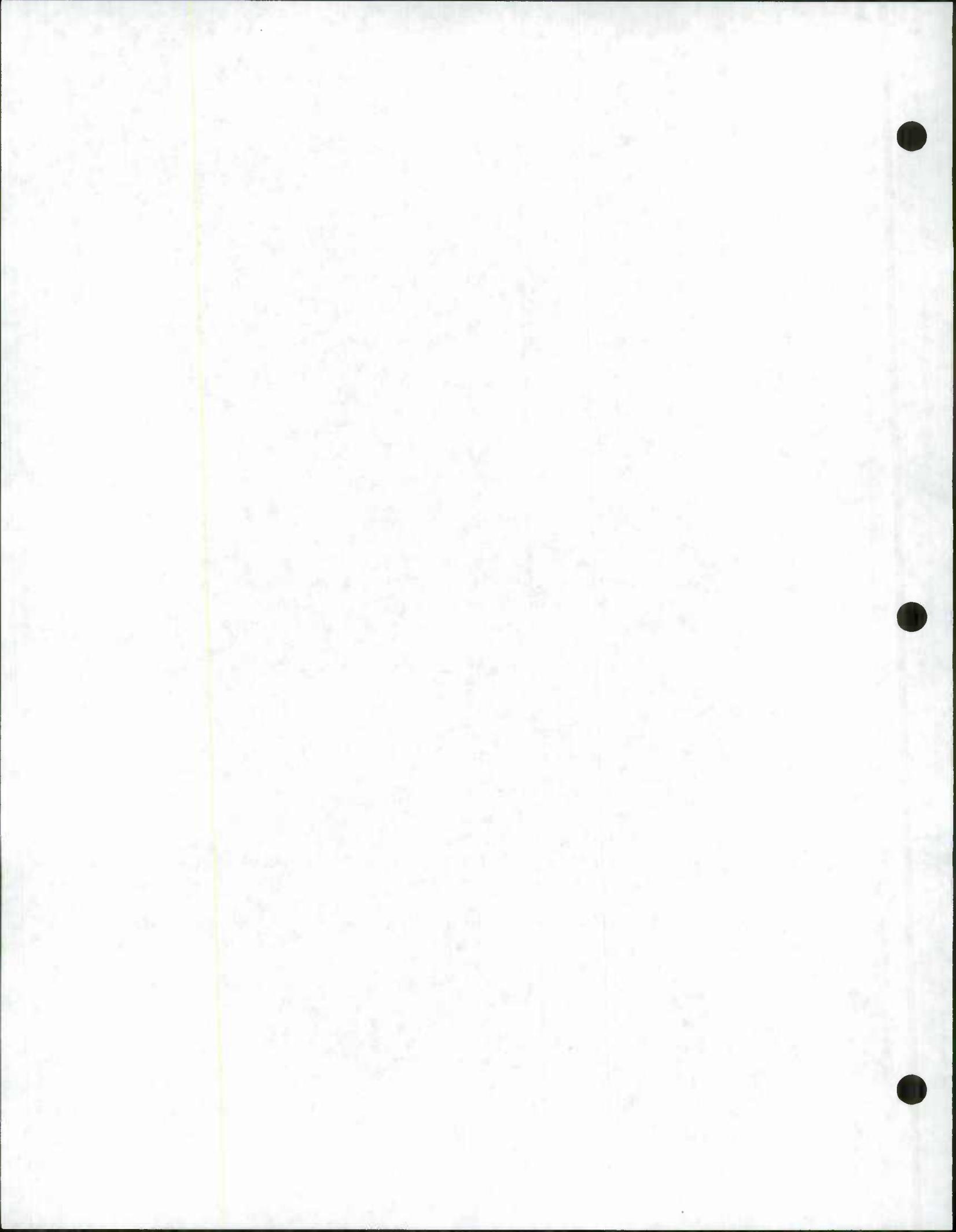
1. Subdivided lots created to be greater than 1.00 acre in size have a 15% lot coverage limit per lot. Both proposed lots in the subdivision will be greater than 1.00 acre and are thus subject to the 15% limitation. The Critical Area Table on the plans shows lot G-1B to have an allowable impervious surface of 15,500 square feet. Yet lot G-1B is 95,831 square feet and 15% of 95,831 square feet is 14,374 square feet. Accordingly, Lot G-1B is allowed only 14,374 square feet of lot coverage. Please have the lot coverage calculations in the Critical Area Table, as well as throughout the plan, changed to reflect the 15% lot coverage limit per lot.

Thank you for the opportunity to provide comment. Should you have any other questions regarding this project, please call (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amber Widmayer'.

Amber Widmayer
Natural Resource Planner
cc: AA 719-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 15, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Bitumar Redevelopment
C 08-005100 NC, G 02013506

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced project. The applicant proposes to remove one existing train track and construct six new train tracks in its place, and to add three or four new asphalt storage tanks. The 15.5 acre property on which these activities are proposed is partially within the Critical Area. It is unclear how much of the site is in the Critical Area, but it appears that the proposed activities within the Critical Area are entirely within property that is designated as an Intensely Developed Area (IDA). I have outlined my comments on the project below:

- 1) Please have the applicant provide additional information about the project as follows:
 - The acreage of the property that is within the Critical Area
 - The acreage of the area within the proposed limit of disturbance for the proposed tanks and train track redevelopment, or the project site area
 - The acreage of the site area or area within the limits of disturbance that is within the Critical Area
 - The existing impervious area that is within the Critical Area portion of the site area
 - The total proposed impervious area that is within the Critical Area portion of the site area
 - Drainage maps for the Critical Area portion of the site area

- 2) The applicant must submit 10% calculations for the portion of the site area that is within the Critical Area and designated as IDA. The applicant must also show on the site plan how the resulting pollutant removal requirement will be addressed for this project. Please have the applicant complete and submit the 10% pollutant reduction calculations using the worksheet which can be found on our website under the guidance documents link, or by going directly to the web address below.
http://www.dnr.state.md.us/criticalarea/10percent_rule_manual/worksheet_a.pdf



Ms. Krinetz
October 15, 2008
Page 2 of 2

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 258-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 16, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Deale Marine Center, Inc.
S 05-042, P 07-0243 01 NF

Dear Mr. Gerczak:

Thank you for forwarding the above referenced subdivision application materials. The applicant proposes to reconfigure the existing lot lines on a 7.136 acre property within the Critical Area. 2.62 acres of the property are designated as a Limited Development Area (LDA) and 4.516 acres of the property are designated as an Intensely Developed Area (IDA). The property is currently developed with two commercial buildings, a pool, a gravel road and parking lots.

The applicant has addressed this office's comments from my April 28, 2008 letter. We note that the proposed lot 4R will include a portion of LDA that is nonconforming with reference to the 15% lot coverage limit. However, because the proposed lot line will match the existing use of the property, and no new development is proposed with this subdivision, this office does not oppose the proposed reconfiguration of the existing lot lines. We note that as indicated by the applicant on the plans, any development or redevelopment of this property must comply with all Critical Area regulations at that time. This includes bringing the LDA portion of the revised parcel into compliance with lot coverage limits. We recommend that a note be added to the plat stating this requirement.

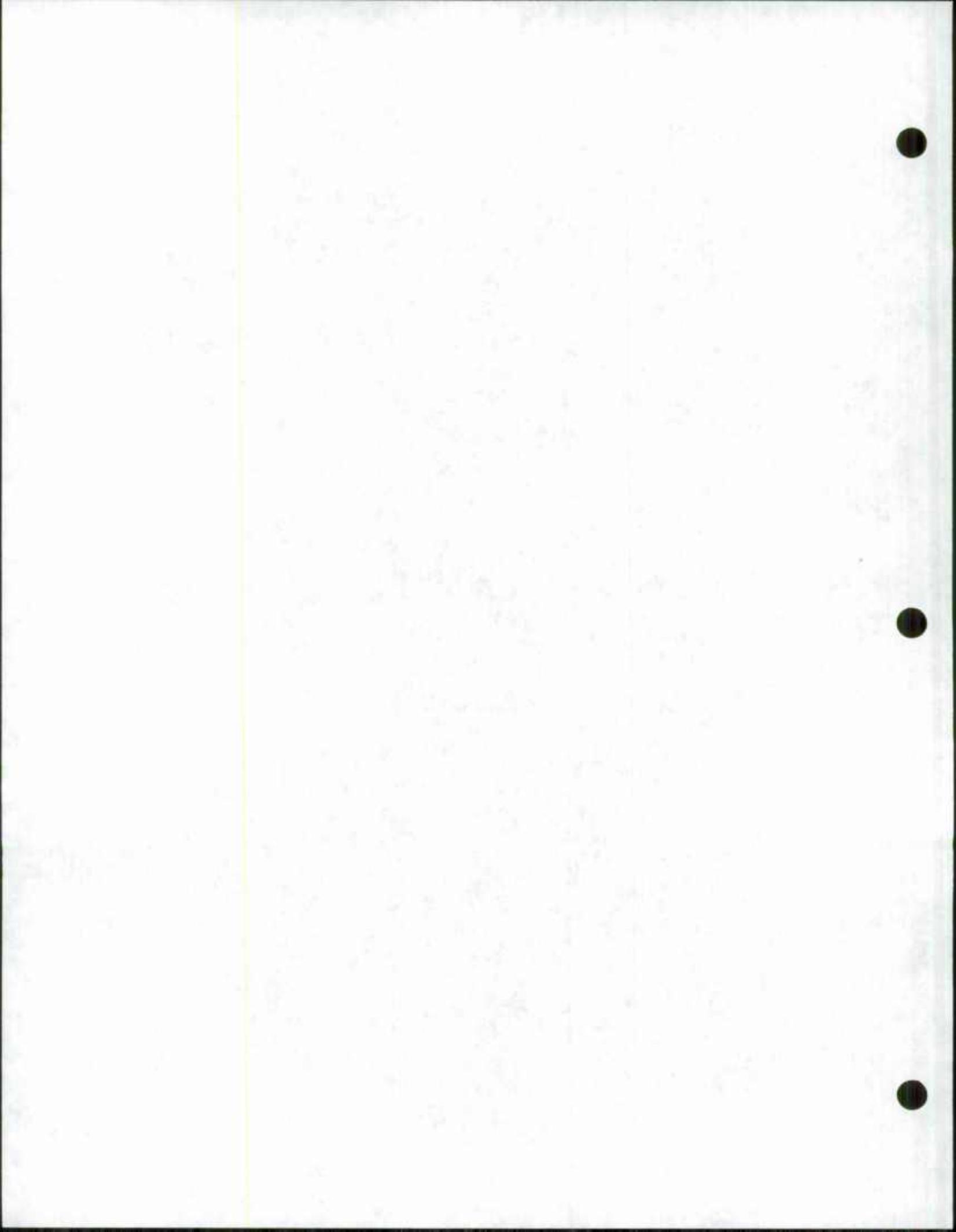
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "AW", written over a light-colored background.

Amber Widmayer
Natural Resources Planner

cc: AA 215-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 16, 2008

Ms. Sally Nash
City of Annapolis
Department of Planning and Zoning
145 Gorman St., 3rd floor
Annapolis, MD 21401

Re: Annapolis Landing Marina

Dear Ms. Nash:

Thank you for forwarding information regarding the above referenced project. The applicant proposes to construct a building with two driveways and to pave an existing gravel parking area. The property is currently developed with a marina, multiple buildings, and multiple parking areas. The proposed 0.6 acre redevelopment site within the larger marina property is in the Critical Area, is designated as an Intensely Developed Area (IDA) and is mapped as a Buffer Exemption Area (BEA). I have outlined my comments below:

- 1) The proposed site area should be expanded to match the outer edge of parcels 2377 and 2376. In circumstances where an existing lot or parcel boundary is several times larger than the proposed project area, an applicant may sometimes use the area within the project's limit of disturbance as the project site area for purposes of completing the 10% pollutant reduction calculations. However, in this case, there are existing parcel boundaries that approximately match the area of the proposed project. Therefore, the boundaries of parcels 2376 and 2377 should be used as the site area, and all of the existing and proposed impervious surfaces within these parcels should be included in the 10% calculations.
- 2) It appears that the proposed stormwater management that will address the 10% pollutant reduction requirement is located partially within the 100-foot Buffer. The Buffer should not be used to accommodate stormwater management requirements. Therefore, please have the applicant relocate the proposed stormwater management practice so that it is completely outside of the 100-foot Buffer.
- 3) Please have the applicant revise the submitted 10% calculations as follows:
 - the applicant should use the 10% calculation worksheet provided on the Commission's website which can be downloaded from the following web address:
http://www.dnr.state.md.us/criticalarea/guidancepubs/10percent_rule.html.

Ms. Nash
October 16, 2008
Page 2

- The applicant must use the given 'C' value of 0.3, rather than the applicant's computed 'C' value of 0.16.
 - The "% DA Served" or the percentage of the site area that will be treated by the proposed stormwater management practice must be expressed as a decimal, or the "fraction of the site area within the Critical Area IDA served by the BMP." This value is currently given as a whole number in the applicant's calculations.
- 4) The applicant must provide both a vegetated 25-foot Bufferyard along the shoreline, as well as plantings in the 100-foot Buffer at a 2:1 ratio to mitigate for the total area of disturbance within the 100-foot Buffer for the project as a result of clearing, grading and lot coverage. Please have the applicant submit a planting plan demonstrating that these plantings will be provided using native species.

Thank you for the opportunity to provide comments for this subdivision and site plan request. Please contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resource Planner
AN 524-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 16, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Cypress Creek/Newbills Delight/Mackley Property
S 07-011, P 07-003700NS

Dear Ms. Krinetz,

Thank you for forwarding the above-referenced subdivision application. The applicant proposes to re-subdivide three existing lots into four lots. The 1.12 acre property is currently developed with a single family dwelling, driveway, detached garage, and pier. The property is within the Critical Area, it is designated as a Limited Development Area (LDA) and it is within the County's mapped Buffer Modification Area (BMA). The applicant has addressed most of this office's comments from my July 8, 2008 letter and I have outlined my remaining comments below:

1. The County's Critical Area program does not contain provisions for subdividing property within the BMA. However, because the existing property currently has two waterfront development rights, and because only two waterfront lots are proposed in the new subdivision, subdivision within the BMA is acceptable in this case.
2. Please have the applicant provide a planting plan for the proposed afforestation plantings in the Buffer.
3. The proposed lot coverage is 15.29% of the total property area and it must be reduced so that it is less than the 15% limit. Also, the applicant proposes to use drive strips on proposed lot 2 which the Commission can not support. Drive strips are frequently converted into full driveways by future property owners, which would result in a further violation of the lot coverage limit within this subdivision as it is currently proposed. Therefore, the applicant must amend the proposed development so that it is under the 15% limit and eliminates the use of drive strips on proposed lot 2. If this can not be accomplished, it may be necessary to eliminate one of the proposed lots.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



Mr. Burke
October 16, 2008
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AA 302-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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October 21, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Paglia Property
S 07-052, P 08-001900NF

Dear Mr. Gerczak,

Thank you for forwarding revised plans for the above-referenced project for review. The applicant proposes to subdivide an existing undeveloped 1.97 acre parcel into two lots and to construct a single family dwelling and driveway on one lot, and to construct a manufacturing building and parking lot on the other lot. It appears that most of the property is classified as a Limited Development Area (LDA) and that some of the property is classified as a Resource Conservation Area (RCA). The applicant has addressed this office's comments from my July 10, 2008 letter and I have provided my remaining comments below:

1. It is unclear where the proposed planting area will be located on the site since it appears that the majority of the proposed forest conservation easement area is within the existing tree line. Please have the applicant identify the proposed reforestation area on the plans and provide a planting plan for this area.

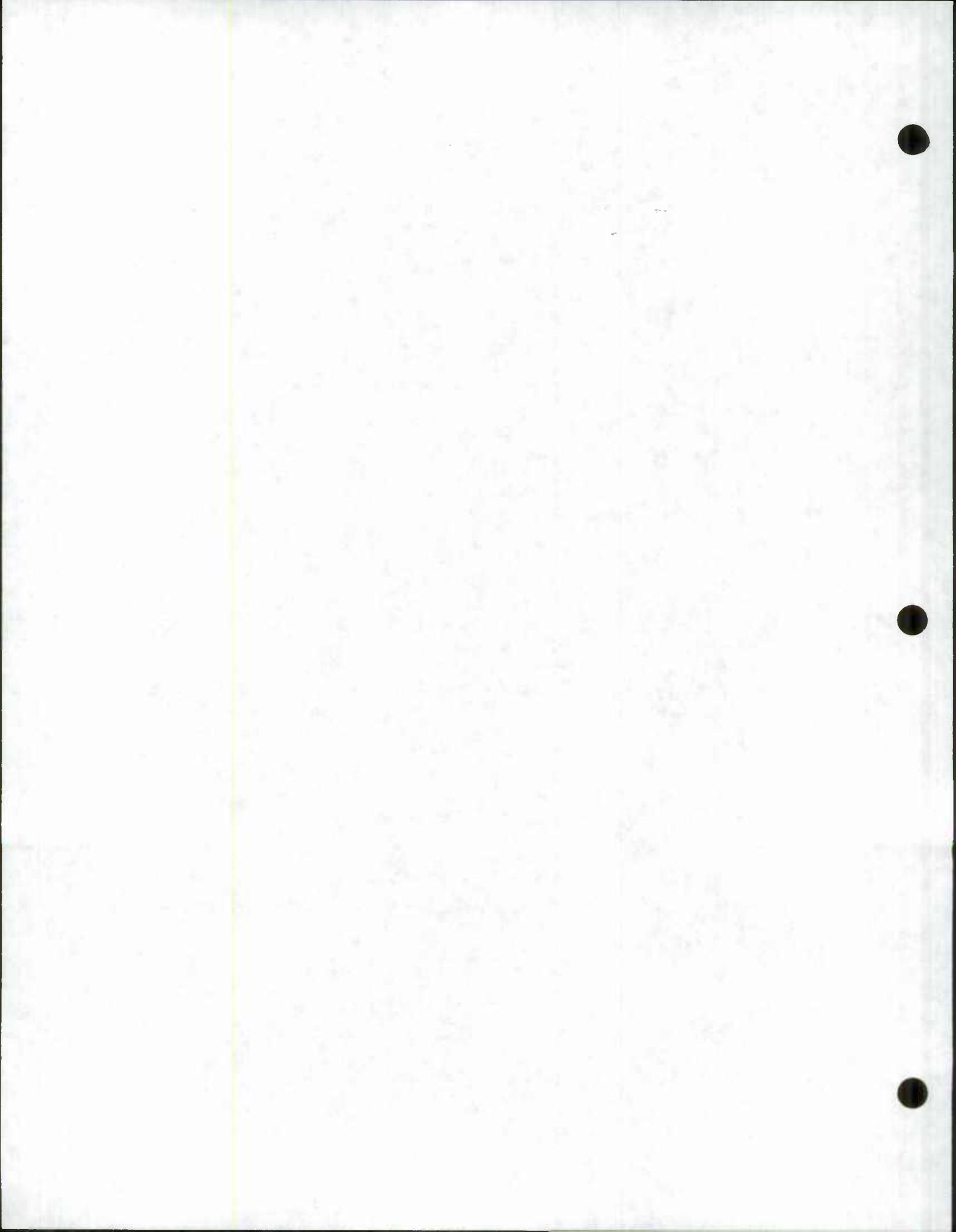
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 72-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 22, 2008

Mr. William Ethridge
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Rabena, John - 2007-0223-V

Dear Mr. Ethridge:

Thank you for forwarding the above referenced revised variance application. The applicant has requested a variance to disturb the 25-foot buffer to slopes 25% or greater in order to develop the property with a dwelling, garage, septic system, steps and pier with a 100 square foot landing within. Additionally, the entire property is within the 100-foot Buffer which is expanded to include slopes 15% or greater. The property is currently undeveloped, it is designated as a Limited Development Area (LDA), and it is mapped as a Buffer Modification Area (BMA). Our office is providing these comments to supplement those already submitted in an August 6, 2007 letter, and in my September 5, 2007 letter.

Based on the latest site plan provided, the applicant has not moved the proposed house back from the edge of the steep slope along the shoreline as this office noted was both possible and necessary in order to gain support for the requested variance. The only apparent change the applicant has made to the plans since they were last submitted is that the house is shown eight feet further from the side lot line. It is unclear why this office's recommendations for demonstrating that the requested variance is the minimum necessary for reasonable use of the property have been unaddressed by the applicant to date. In addition, the applicant has not asserted any reason for why more of the house can not be moved out of the 25-foot slope buffer to the open area on the property that is behind the 25-foot steep slope buffer. Based on my October 17, 2008 site visit to the property, there are no apparent characteristics of the property that would prevent the applicant from making better use of the existing open areas as recommended.

By failing to maximize the distance between the house and the edge of the cliff, this office has concerns that the shoreline slope will erode at a faster rate, adversely impacting the water quality and habitat functions of the Severn River. Specifically, construction of the proposed dwelling will require grading and disturbance of highly erodible soils at the top of the cliff. These actions

compromise the stability of the compacted soils. During storm events, stormwater will more easily erode the disturbed area, washing sediment downhill toward the slope, over the edge of the slope and into the water. Additionally, locating a large area of lot coverage in close proximity to the edge of the cliff results in an increase in the volume and speed of the stormwater runoff coming from the house, decreases opportunities for infiltration through the soil, and threatens to hasten the rate at which the property will gradually erode into the Bay. Finally, if the dwelling were moved farther from the slope, additional trees and shrubs could be planted to stabilize the slope by holding the soils in place with root systems, and by trapping and slowing stormwater and sediments that would otherwise run off into the Bay.

Because the applicant has not reduced the most significant and unnecessary impact to the Critical Area from the proposed development, the applicant has not demonstrated that the variance is the minimum necessary or that the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area, each and every one of the County's variance standards has not been met. Therefore, this office does not support variance as it is currently proposed. We may be able to offer support for an amended variance application if the applicant were to incorporate our previous recommendations for minimization of impacts into a new plan. This office has described these recommendations in our previous letters, and they are reiterated below.

Maximize Development Opportunity Outside of the 25-foot Slope Setback

In situations where development of a property is constrained by legally protected sensitive environmental features such as this, the applicant's preference for a house of a certain size and configuration must yield to a development design which recognizes and avoids the environmentally sensitive characteristics of the property where feasible. As mentioned above, the plans show that there is unused space on the property outside of the 25-foot slope buffer in which more development could be located, thereby minimizing the extent of the requested variance. If the applicant were to make use of this portion of the property, more of the house could be pulled away from the edge of the cliff. Additionally, it appears that a house with a different configuration, for instance, a narrow house that is perpendicular to the shoreline, as opposed to the current parallel configuration, could be constructed such that the majority of the proposed disturbance to the 25-foot slope buffer could be eliminated. Further, if the dwelling were moved back closer to the rear/southern property line, the proposed 60 foot long driveway could be reduced in length, which would result in a reduction of the proposed lot coverage on the property. In addition to allowing the applicant to show minimization of the proposed slope buffer disturbance, reduced lot coverage will yield a reduced amount of stormwater runoff, which means a lesser amount of stormwater will run off of the house and driveway, across the yard, and over the edge of the cliff.

Minimize Disturbance Within the 100-foot Buffer

We note that while the proposed development is shown just outside of the 100-foot Buffer, the applicant has not shown the limits of disturbance on the development plan. Generally, construction of a dwelling requires at least a 10 foot wide limit of disturbance to provide

sufficient room for construction activities and grading surrounding the dwelling. Just as there appears to be sufficient opportunity to move and reconfigure the proposed dwelling such that the majority of the disturbance to the 25-foot slope buffer can be eliminated, the applicant can move and reconfigure the house so that the limit of disturbance does not intrude into the 100-foot Buffer. Additionally, it is common for property owners to construct waterfront decks. We recommend that if the property owner plans to construct a deck on the waterside of this house, the house be moved far enough back from the 100-foot Buffer and 25-foot slope buffer to accommodate this development at this time. This office will not support a future variance request for additional development on this property, since if a variance is granted for construction of a dwelling, reasonable use of the property is presumed.

Minimization of the Construction Footprint

As noted, the applicant has reduced the size of the proposed dwelling by 153 square feet, for a total dwelling footprint of approximately 1,398 square feet. While this is less than what was previously proposed, a smaller footprint would still provide reasonable use of such a constrained property, especially since the dwelling will be developed with two stories. As recommended by this office previously, the dwelling footprint could be significantly reduced if the proposed garage and parking pad were eliminated from the plans. It is this office's position a garage is not necessary to provide reasonable use on properties with this degree of sensitive environmental features. Further, if the garage is removed from the plans, this will provide 400 additional square feet of developable area outside of the 25-foot slope buffer in which more of the dwelling could be located. Additionally, we note that while the larger area of the driveway is no longer identified on the plans as a parking pad, the design of the driveway with a parking pad appears unchanged and in fact has increased from 999 square feet to 1,004 square feet.

While the dwelling footprint has been slightly reduced, the plans indicate that the total slope disturbance has increased by 50 square feet, and the overall site disturbance has increased by 81 square feet. It is unclear where disturbance within the slopes will occur because no disturbance is shown within the slopes 15% or greater on the plans, with the exception of the proposed steps to the pier. It appears that some additional site disturbance will be created by the applicant relocating the nitrogen reducing tank from under the driveway to a previously undisturbed area of the yard. While the proposed new area of disturbance is outside of the 25-foot slope buffer, if this tank can be located under the driveway as originally proposed, this will leave more room on property on which the proposed dwelling could be located outside of the 25-foot slope buffer, and at a minimum, locating the tank back under the driveway would reduce the total area of disturbance within the expanded buffer on the property.

Lastly, we note that the applicant proposes to construct a 10 foot by 10 foot landing at the toe of the shoreline slope leading to the pier. A 100 square foot area of decking is larger than what is necessary to serve as a landing, and seems large enough to serve as a waterside deck. Accordingly, we recommend that this landing, over nontidal wetlands that are now identified on the revised plans, be reduced to the minimum area necessary to function as a landing.

Mr. Ethridge
October 22, 2008
Page 4 of 4

If the applicant submits a revised plan that incorporates this office's recommendations for minimization of the requested variance, we recommend that the applicant show that the Buffer will be established with native trees and shrubs. In addition to being a mitigation requirement for development within the Buffer and the BMA, providing such plantings will help to control the future erosion of the shoreline slope, as well as providing a stormwater quality improvement and enhanced riparian habitat on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Amber Widmayer
Natural Resource Planner

cc: AA 441-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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October 23, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Saunders Point Parcel C
S 95-165, P 07-0248

Dear Mr. Gerczak:

Thank you for forwarding the above referenced subdivision application materials. The applicant proposes to subdivide an existing 2.35 acre parcel into a 4-lot subdivision, to retain the existing dwelling on one of the proposed lots, and to construct three new dwellings and driveways on the three other proposed lots. The property is currently developed with a dwelling, driveway, pier, guest house, and retaining wall. The entire property is within the Critical Area, it is designated as a Limited Development Area (LDA) and it is mapped as a Buffer Modification Area (BMA). It appears that the applicant has addressed this office's comments from my May 28, 2008 letter and I have provided my remaining comments below:

1. We note that while the County Code does not contain provisions for subdividing within an existing BMA, it appears that subdivision within the BMA is acceptable in this case because it will not create an opportunity for additional development or disturbance within the 100-foot Buffer. Since the 100-foot Buffer is not currently established in vegetation, we recommend that the applicant provide a planted Buffer in conjunction with the proposed subdivision of the property. The Buffer should be established with a variety of native trees and shrubs and a list of such trees and shrubs can be found in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed document, available at <http://www.nps.gov/plants/pubs/chesapeake/>. The applicant should use native species found in this document for the mitigation plantings that are proposed outside of the Buffer as well.
2. The applicant has calculated that 14.9% of the property will be developed as lot coverage based on the current plans. This does not leave a sufficient amount of allowable lot coverage to be developed by owners of the properties that are created by this subdivision for typical single family home amenities such as

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garages, patios, and sheds. Therefore, the applicant should reduce the proposed footprint of development so that future owners of the properties created by this subdivision will not be prevented from adding such amenities to their property. It is this office's policy that no variances will be supported for development of newly created non-grandfathered lots.

3. The applicant has indicated that information will be provided to confirm that the existing gazebo is permitted to be located in the Buffer on this property. Please forward this information when it is available.
4. It appears that the applicant must provide additional plantings to meet the 2:1 mitigation requirement for disturbance within the 100-foot Buffer within a BMA, since the applicant indicates that there will be 1,295 square feet of disturbance within the Buffer but currently only proposes to provide 1,300 square feet of plantings. Please have the applicant clarify whether these numbers are correct and provide additional plantings as necessary.
5. Please have the applicant submit a planting plan showing that the above comments have been addressed.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 561-04
AA 457-99

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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October 31, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Knox, June
S 07-041, P 07-0113

Dear Mr. Burke:

Thank you for forwarding the above-referenced revised subdivision request. The applicant proposes to subdivide an existing 1.14 acre parcel into two lots, and to build a new dwelling and driveway on each of the two proposed lots. The property is classified as a Limited Development Area ("LDA") and is currently undeveloped. The applicant has addressed most of this office's comments from my July 14, 2008 letter. I have my provided my remaining comment below.

1. Please have the applicant provide a planting plan showing the size and species of the proposed onsite mitigation plantings. This office recognizes 100 square feet of planting credit per 2-inch caliper tree and 50 square feet of planting credit per seedling or shrub in a 3-5 gallon container. If a large tree is planted in a cluster with either two smaller trees or three shrubs, this office will recognize 400 square feet of planting credit for each cluster. The plantings should be native species and a list of such species can be found in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed document which is available at <http://www.nps.gov/plants/pubs/chesapeake/>.

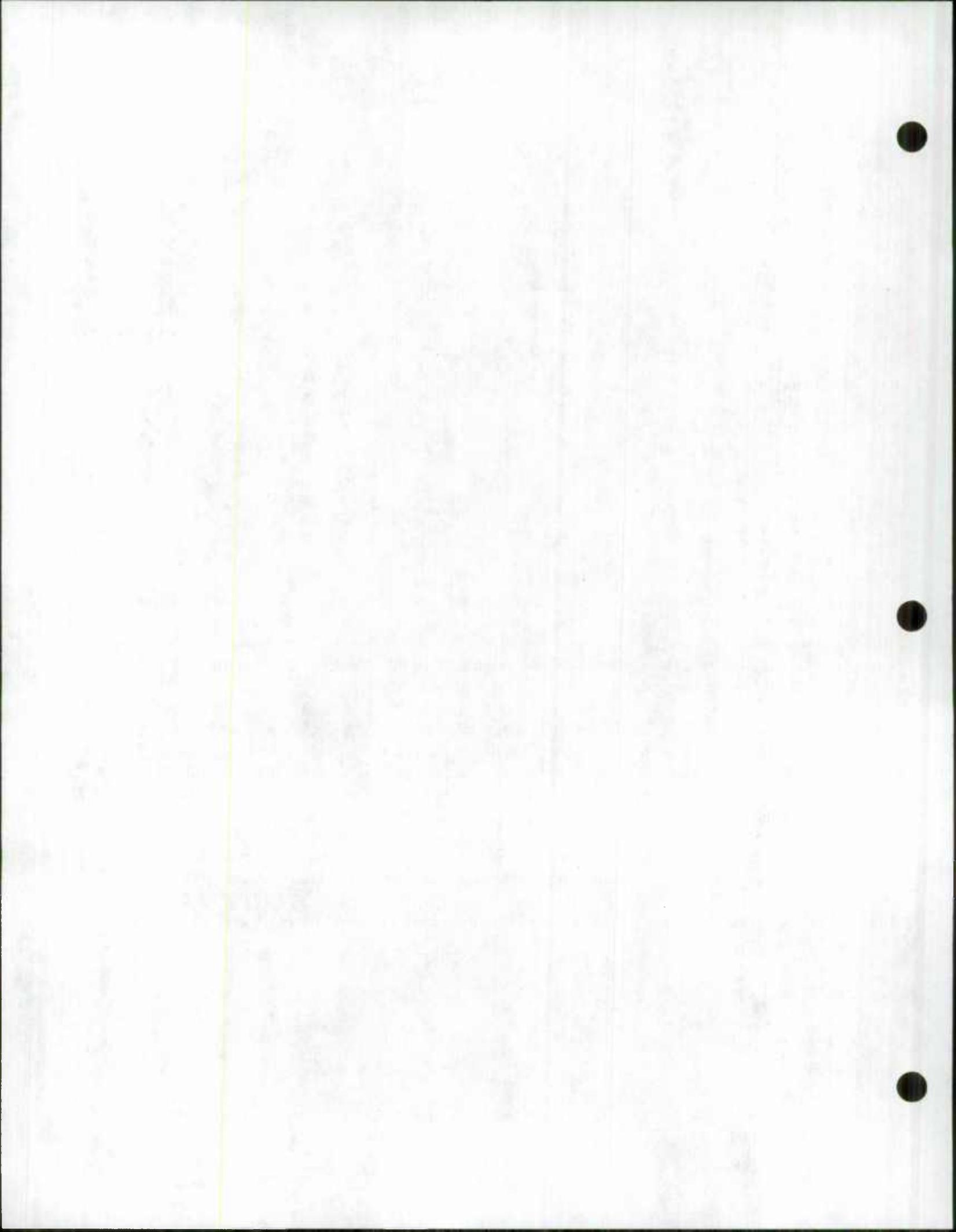
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "AW", written over a light-colored background.

Amber Widmayer
Natural Resources Planner

cc: AA 371-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 31, 2008

Ms. Donna Aulds
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: 919 Forrester Rd, Modification #10125
G02021911

Dear Ms. Aulds:

Thank you for forwarding the above referenced modification request. The applicant has requested a modification to allow an access road to the above referenced property with disturbance to nontidal wetlands. This office previously reviewed a proposal for creation of two lots on this property. It is unclear from this submission whether that two-lot subdivision was approved and recorded. However, it does not appear that the proposed lot line or the proposed access road are within the Critical Area portion of the property. Therefore, it does not appear that the proposed subdivision or the requested modification raise any Critical Area concerns and I have no comments on the proposals at this time.

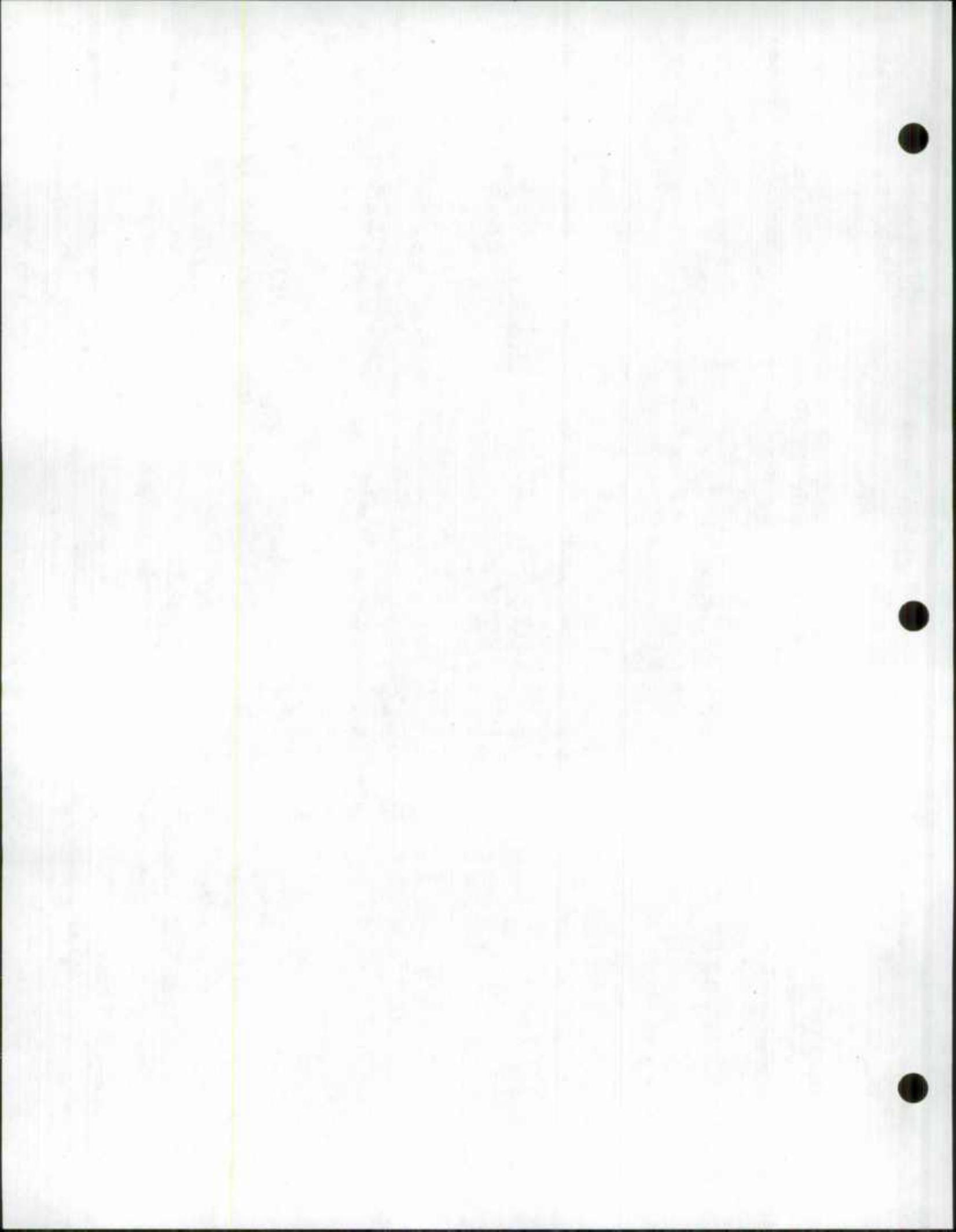
Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 524-06



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 31, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Rowel-Stansbury Property
S 07-039, P 07-0190

Dear Mr. Burke:

Thank you for forwarding the revised information for the above-referenced subdivision application. The applicant proposes to subdivide two existing parcels into two lots and one bulk parcel. The property is currently developed with two dwellings and the applicant states that no new construction is proposed. 5.99 acres of the property are designated as a Limited Development Area (LDA), 0.14 acres of the property are designated as a Resource Conservation Area (RCA) and the remaining 0.53 acres of the property are outside of the Critical Area. The applicant has addressed most of this office's comments from my April 3, 2008 letter and from Lisa Hoerger's July 23, 2008 letter. I have outlined my comments below:

1. There is a minor math error in the Critical Area table on the plat and plans. The table indicates that the total proposed clearing within the Critical Area will be 37,128 square feet. However, the sum of the proposed clearing on each lot equals 35,328 square feet. Additionally, the table indicates that the total proposed clearing will be 14% of the existing forested area within the Critical Area portion of the property. However, even the corrected total of 35,328 square feet of clearing is 17% of the 208,241 square feet of existing forested area.
2. As requested, the applicant proposes to place a conservation easement on much of the property where the steep slopes, Forest Interior Dwelling Bird ("FIDs") habitat, and Buffer are located. This 151,264 square foot easement area is entirely forested, and makes up 72.6% of the total existing forested area on the property. However, COMAR 27.01.02.04.C(3)(c) requires that an area equal to 80% of the existing forested area be placed in a conservation easement. Therefore, the applicant must add further existing forested area to the proposed easement to meet this requirement. If there is not adequate space within the currently proposed footprint of development to place 80% of the existing forested area in a forest conservation easement, the applicant should adjust the proposed number or configuration of lots.

Mr. Burke
October 31, 2008
Page Two

3. As noted above, the applicant proposes to protect much of the sensitive environmental areas on the property with a conservation easement. However, there is additional FIDs habitat outside of the proposed easement area in which the footprint of possible future development is shown on the proposed bulk parcel. Such FIDs habitat is identified as a Habitat Protection Area ("HPA") in § 17-8-501 of the County's Code. The Code states that such HPAs shall be preserved and protected in connection with development in accordance with the recommendation of the Department of Natural Resources and other reviewing agencies. Since it does not appear that the proposed bulk parcel can be developed without clearing within this HPA, it does not appear that allowing the applicant to create the newly proposed parcel is consistent with Anne Arundel County's Code or Maryland Department of Natural Resources' Wildlife and Heritage Service's recommendations for protection and preservation of the HPA. Therefore, this office recommends that the subdivision not be approved with the creation of the bulk parcel as proposed.
4. Please have the applicant map the expanded Buffer on the plans as required by the County Code. On this property, it appears that this expansion will include all of the contiguous slopes greater than 15% plus 50 feet from the top of the slopes. The expansion may also include any hydric or highly erodible soils that extend beyond the slopes.
5. There is conflicting information shown on proposed lot 1. The plans indicate that the existing house will remain, yet there is a proposed new house shown overlapping this existing house. Please have the applicant resolve this inconsistency.
6. It is unclear where the proposed clearing on lots 1 and 2 will be done, since it does not appear that any new development is proposed on these lots within existing forested areas. Please have the applicant show the areas of proposed clearing on future plans.
7. Please have the applicant add information to the plans showing how the required mitigation for the proposed clearing will be addressed. If planting will be done on site, the applicant should provide a planting plan indicating the location of reforestation areas, information about the proposed number, size and species of plantings, and how any remaining reforestation requirements will be addressed. Also, since it appears that much of the existing forested area on the site is FIDs habitat, the applicant must complete and submit a FIDs worksheet to quantify the proposed FIDs habitat impact and resulting mitigation requirement. This worksheet can be found at http://www.dnr.state.md.us/criticalarea/tweetyjune_2000.pdf. This worksheet should be submitted prior to final plat approval. Please consider this a request for additional information under COMAR 27.03.01.02.C.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 632-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 31, 2008

Ms. Kelly Krinetz
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Gibson Way
S 08-014, P 08-003000NS

Dear Ms. Krinetz:

Thank you for forwarding materials for the above-referenced subdivision application. The applicant proposes to subdivide a 16.72 acre property consisting of two existing parcels into 12 new lots with construction of a dwelling, driveway and septic system on each lot. The 5.65 acre portion of the property that is within the Critical Area is designated as a Limited Development Area (LDA) and is currently undeveloped. I have outlined my comments on the proposed subdivision below:

1. According to this office's records, there appears to be a stream that runs through the southern edge of the property. If this is an intermittent or perennial stream, it is a tributary stream for which a 100-foot Buffer from the edge of the stream bank must be provided. This Buffer should be expanded to include any contiguous nontidal wetlands, hydric or highly erodible soils that may extend beyond the limits of the 100-foot Buffer to the stream.
2. The plans show narrow corridors between the existing parcel boundary and the rear of the proposed lot lines of lots 5, 6, 7 and 8. Please have the applicant provide information regarding the purpose of these corridors, and the necessity of the proposed clearing within these corridors.
3. Currently, the applicant proposes to clear 71,625 square feet, or 29.3% of the existing forested area within the Critical Area. Therefore, the applicant must provide mitigation for the total clearing at a 1.5:1 ratio, which equals 107,438 square feet, or 2.47 acres. Please have the applicant provide information as to how this mitigation requirement will be addressed. If plantings will be provided on site within the Critical Area, please have the applicant submit a planting plan showing the proposed planting areas, that these areas will be placed in a conservation easement, and information about the proposed number, size and species of the plantings. We note that the submitted materials include a landscape plan for

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the subdivision. However, it is unclear from this plan whether any plantings will be provided in the Critical Area.

4. It appears that the applicant plans to construct a coastal plain outfall that will drain to the nontidal wetlands. However, it does not appear that the area of clearing that would be required to construct this outfall is shown on all of the plans. Please have the applicant revise the plans so that this area of clearing is shown, and clarify whether this area of clearing has been included in the current clearing calculations.
5. We note that the plans show a 5.41 acre open space parcel that appears to encompass the nontidal wetland and nontidal wetland 25-foot buffer on the property within the Critical Area. Please have the applicant clarify whether this open space designation will have the effect of a conservation easement on this portion of the property. Also, it appears that this 5.41 acre area may include the corridors between the parcel boundary and the rear lot lines mentioned above in comment #2. If this is the case, please have the applicant clarify how much of the proposed open space area is within the Critical Area, and how much of the existing forested area within this Critical Area portion of the open space area will remain.
6. Please have the applicant clarify whether proposed road has been included in the lot coverage calculations for the subdivision.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 102-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 31, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Deale Properties South, LLC Property, Hardware Store
G02013502, B02249668

Dear Mr. Burke,

Thank you for forwarding the above-referenced revised site plan for review. The applicant proposes to redevelop an existing commercial building and parking area on a 35,848 square foot property. 11,062 square feet of the property are within the Critical Area and are designated as an Intensely Developed Area (IDA). The applicant has addressed this office's comments from my September 23, 2008 letter and I have no further comments on the project at this time.

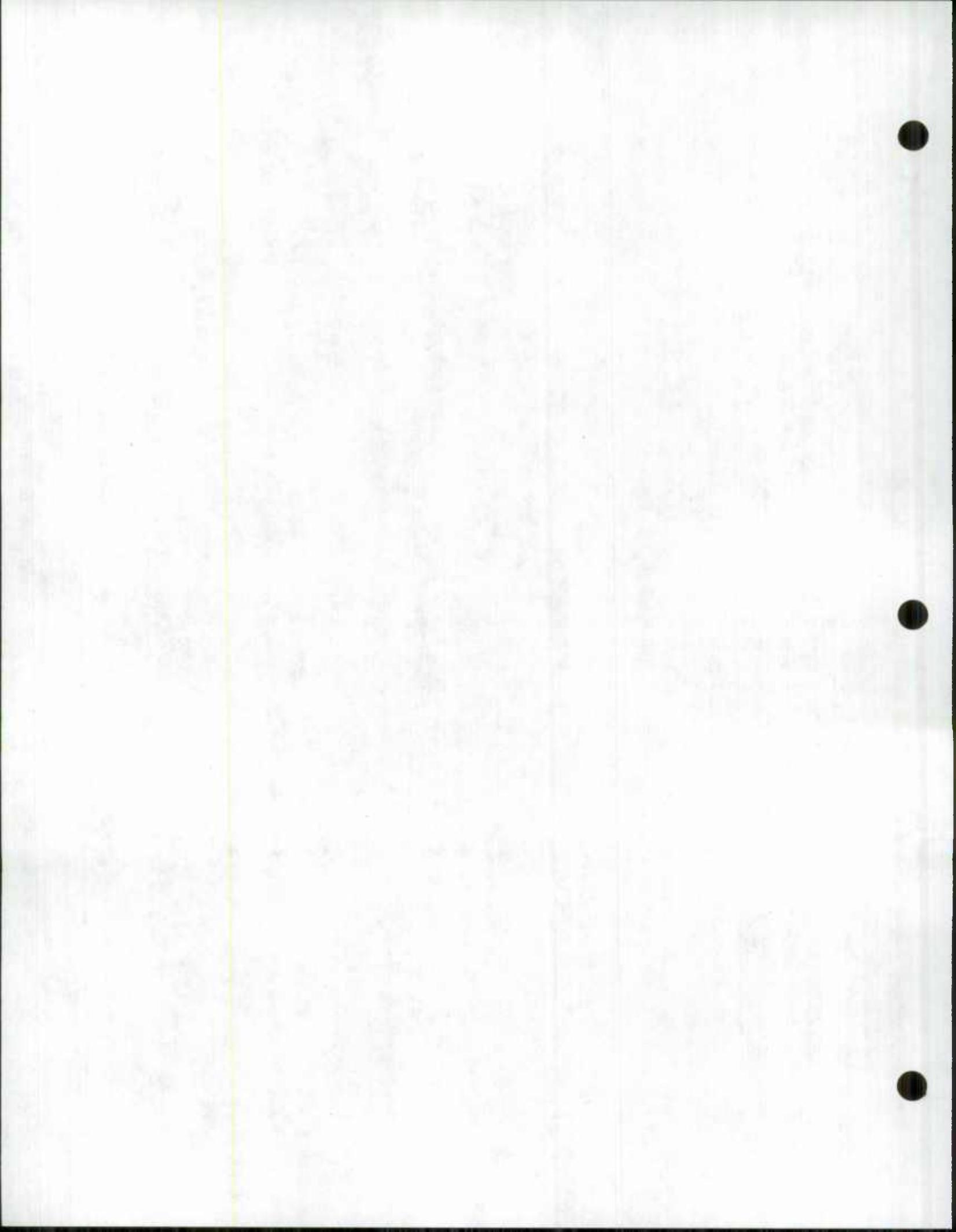
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in cursive script, appearing to read "AW", written in dark ink.

Amber Widmayer
Natural Resources Planner

cc: AA 359-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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Ren Serey
Executive Director

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October 31, 2008

Ms. Kelly Krinetz
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Glen Isle/Piera Property
S 07-078, P 07-0229

Dear Ms. Krinetz:

Thank you for forwarding revised materials for the above-referenced subdivision application. The applicant proposes to subdivide a 51.94 acre property into 13 new lots with construction of a dwelling on each lot, and a conservation property. 36.44 acres of the property are in the Critical Area and are designated as a Resource Conservation Area (RCA). Within the currently undeveloped RCA, the applicant proposes to create the 9.08 acre lot 12, and the remaining 27.36 acres of RCA is shown as a conservation property. The applicant has addressed some of this office's comments from my April 10, 2008 letter and I have outlined my remaining comments below:

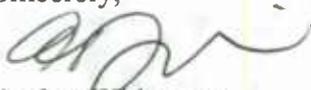
1. The applicant's materials indicate that there are 36.44 acres of RCA on the property. However, the acreage of the proposed lot 9.08 acre lot in the RCA, when added with the acreage of the proposed 27.06 acre conservation property, does not equal 36.44 acres. Please have the applicant clarify the apparent discrepancy in the given Critical Area acreages.
2. We note that the applicant has submitted a report summarizing a survey that was done of Forest Interior Dwelling species ("FIDs") habitat on the property. This survey confirms that the forested area of the property is FIDs habitat. However, the applicant's materials did not include the FIDs worksheet that must be completed and submitted to quantify the proposed impacts to FIDs habitat and the resulting required mitigation. The applicant must submit this worksheet as well as information describing how the required mitigation will be fulfilled.
3. Anne Arundel County's Critical Area program § 17-8-502 states, "a habitat protection area shall be preserved and protected in connection with all development as set forth in this subtitle and as required by the Office of Planning and Zoning in accordance with the

recommendation of the Department of Natural Resources and other reviewing agencies.” Forest Interior Dwelling bird (FIDs) habitat is defined as such a Habitat Protection Area (“HPP”) in the County’s Code. While the applicant has revised the plans such that the 700-foot long driveway is now a 500-foot long driveway, this revision does not amount to protection and preservation of the FIDs habitat as is recommended by this office, the County’s Code, and Maryland Department of Natural Resources’ Wildlife and Heritage Service (WHS) in its October 26, 2007 letter. Therefore, we continue to recommend that the applicant modify the plans to minimize the proposed FIDs habitat disturbance by relocating the proposed dwelling, driveway and septic system in accordance with the guidelines which direct the applicant to minimize the length of driveways, to maintain canopy closure, and to concentrate or restrict development to the perimeter of the forest.

4. We note that there is potential for development of only one dwelling within the 36.44 acres of RCA on this property. The applicant proposes to use this development right by development of the proposed dwelling within the proposed 9.08 acre lot. In order to make it clear that no further development within the RCA on the property may occur, we recommend that the applicant add a notation to the plat and plans stating that no further development is allowed within the RCA. Also, please have the applicant confirm that the conservation property designation on the portion of the RCA outside of the proposed lot will have the effect of placing this area under a conservation easement which will prevent cutting or clearing of vegetation and locating structures or lot coverage within this area.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 417-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 3, 2008

Mr. Jimmy Sharp
Wicomico County
Department of Planning, Zoning, and Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: Patrick's Landing Subdivision

Dear Mr. Sharp:

Thank you for forwarding the above mentioned subdivision application. The project is for the subdivision of several existing parcels totaling 29.18 acres into a 16-lot subdivision with new construction of a single family home, driveway and septic system on 14 of the proposed lots. It appears that all of the proposed lots are within the 21.14 acre portion of the property that is within the Critical Area. The property is currently designated as a Limited Development Area (LDA) and is developed with three dwellings, a bulkhead, and several outbuildings. The applicant has not addressed most of this office's comments from my January 14, 2008 letter. Therefore, I have included the comments that remain unaddressed, along with others, below. We note that the County's Critical Area program § 125-20 provides that all development and redevelopment in LDAs shall be subject to the County's Critical Area development standards and conditions. Therefore, the subdivision can not receive preliminary plat approval until all of these comments regarding those Critical Area development standards are addressed.

1. Please have the applicant include the acreage of the property that is within the Critical Area on the plat and plans.
2. The plans show that the allowable lot coverage for the property is 3.26 acres. However, 15% of the 21.14 acres that are within the Critical Area is 3.17 acres. Please have the applicant resolve this inconsistency.
3. While the Critical Area report states that the applicant proposes to create a 16-lot subdivision, the plans show 17 proposed lots. It appears that one of these lots is not within the applicant's property and is numbered as lot # 2. Please have the applicant revise the lot numbers so that only the proposed lots within this subdivision application are numbered.

4. According to Maryland Department of Natural Resources Wildlife and Heritage Service's (WHS) letter, the wetlands on the property are suitable habitat for two rare plants including Pumpkin Ash and Seaside Alder, and have been found and documented in close proximity to the property. Therefore, the applicant must do a survey of the property for those species and work with WHS to develop and submit a conservation plan for protection of those species on the property as necessary. Wicomico County Code § 125-45(6).
5. It is unclear how much of the proposed road within the Critical Area portion of the property will be developed as lot coverage. The chart on the plans refer to 0.04 acres of road while another chart on the plans indicates that 0.062 acres of lot coverage will be developed as roads, and the table on sheet one of six indicates that there will be 1.32 acres of streets. The 2008 changes to the Critical Area Law changed the 15% impervious surface limit in the LDA and RCA to a 15% lot coverage limit. Lot coverage includes the area of a lot or parcel that is "occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway, or covered with gravel, stone, shell, impermeable decking, paver, permeable pavement, or any manmade material. Please have the applicant clarify the area of proposed lot coverage from road within the Critical Area portion of the property and confirm that it meets the new requirements.
6. Please confirm that the 100-foot Buffer has been mapped based on a field delineated wetland survey conducted by a certified wetland delineator on the property as is required. The plans should show the edge of the tidal wetlands, as well as the edge of any nontidal wetlands and nontidal wetland buffers.
7. Please provide the acreage of tidal wetlands on the property and confirm that any State tidal wetland acreage has already been deducted from the area of the proposed lots and from the total Critical Area acreage for purposes of calculating the permitted lot coverage and other development requirements.
8. While the applicant has increased the Buffer to include the slopes that are 15% or greater, it does not appear that the Buffer has been expanded sufficiently. As indicated in the County's Code § 125-10.C.1, the Buffer must be expanded four feet for every percent of slope or to the top of the slope, whichever is **greater**. It appears that an expansion based on four feet for every percent of slope is greater than an expansion to the top of the slope in this case. Therefore, the expanded Buffer must be shown using the method which produces the greatest expanded Buffer.
9. Based on our records, it appears that there may be two streams on the property that are not mapped on the plans. One appears to run through the nontidal wetland identified on the plans in the proposed open space area on the property, and the other appears to run from north to south through the southeastern corner of proposed lot 7. The 2008 changes to the Critical Area Law clarify that all intermittent or perennial streams require a 100-foot Buffer from the edge of the stream bank on both sides of the stream. The 100-foot Buffer to these streams must be expanded as described in comment #7 above if it is contiguous to slopes 15% or greater, or to hydric or highly erodible soils. Wicomico County Code § 125-45.B(5)(a)

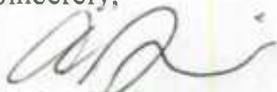
10. According to our records, RsB, or Runclint Sand, is a hydric soil. Therefore, the Buffer must be expanded to include the portions of the property that are mapped as RsB where they are contiguous with the Buffer. Wicomico County Code § 125-45.B(5)(b). It appears that this will limit the proposed development of lot 7 and therefore, it may be necessary to reconfigure or reduce the number of the proposed lots.
11. It appears that the nontidal wetland that the applicant refers to as a ravine in the middle of the property is connected to tidal waters. Therefore, the limits of the nontidal wetland should be labeled as the expanded Buffer, and this Buffer should include contiguous slopes 15% or greater, highly erodible soils, and hydric soils. We note also that the applicant's plans indicate that part of this ravine will be used as a forebay for stormwater management for the subdivision. Please have the applicant provide information about the proposed forebay including the area of any clearing that will be required to install the proposed forebay.
12. This office recommends that the applicant amend the proposed lot lines that extend through the Buffer to the shoreline, and place the 100-foot Buffer in a forest conservation easement. It appears that with the currently proposed lot configuration, five new riparian rights will be created such that five new piers could be constructed, which would create five times the number, movement and activities of persons in the Critical Area Buffer. We note that in the Critical Area report, the applicant describes deed covenants and restrictions that will protect the Buffer, but the plans do not show or describe any such restrictions. Also, on the plans, it is noted that 0.32 acres will be placed in an easement, but it is not clear where this easement is located or what restrictions it will create. Please have the applicant provide details as to what protections are proposed within the Buffer. In order to provide the proposed lot owners with riparian access while minimizing new impacts within the Buffer, we recommend that the applicant specify that a community pier will be developed instead of individual piers, and place the land within the 100-foot Buffer will be placed in a forest conservation easement.
13. As previously noted, no structures or limits of disturbance are permitted within the 100-foot Buffer. However, on the sediment erosion control plans, silt fence is shown within the Buffer. The applicant will have to seek and obtain a variance for any proposed disturbance on lots within the 100-foot and expanded Buffer, including proposed grading, clearing and building footprints. This office will not support variances that are required for such development of newly created non-grandfathered lots. Therefore, the plans should be amended such that no activities requiring disturbance or silt fence are located within the Buffer. Also, please have the applicant show the limits of disturbance for the whole subdivision in the Critical Area, in addition to those that are currently shown within the Buffer.
14. Please have the applicant provide the forest calculations within the Critical Area, including the amount of proposed clearing within the Critical Area, and the amount of forested area that will be preserved within the Critical Area. §125-20(F)(5)(c) of Wicomico County's Critical Area Resource Protection Chapter and COMAR 27.01.02.04.C.3 limit clearing to

20% of the existing forested area within the Critical Area portion of the property, and require the remaining 80% of forest cover to be maintained through the use of appropriate instruments, such as forest conservation easements that are recorded with the County. Mitigation plantings must be provided at a 1:1 ratio for clearing up to 20% of the existing forested area in the Critical Area, and if the applicant receives permission to clear more than 20% (up to 30%), the total cleared area must be mitigated at a 1.5:1 ratio. These plantings should be provided onsite since it appears there is ample space to do so on the property, and the planting areas should be placed in a forest conservation easement. We note that the applicant shows a proposed 9.61 acre open space area on the property. Please have the applicant clarify whether this area will also be placed in a conservation easement that will prevent future cutting or clearing or the location of any structures or lot coverage within this area. If so, please have the applicant indicate how much of this area is within the Critical Area and how much of this area is currently forested and may be counted toward the 80% of the existing forested area within the Critical Area on the property, that must be preserved by placement in a permanently protected easement.

15. Please have the applicant clarify how much of the existing forested area on proposed lots 5, 9, and 10 will be cleared. It appears that the proposed dwellings could be sited on these lots such that no forest clearing would be required, and we recommend that the applicant amend the plans to do so if necessary.
16. Wicomico County's Critical Area program §125-45.B(3) provides, "where a tract of land bordering tidal water, tidal wetlands or tributary streams in the Critical Area is to be subdivided and a special Buffer area has not been established, a Buffer of at least 100 feet shall be **established** in natural vegetation." Please have the applicant submit a Buffer management plan for establishment of the Buffer in accordance with this requirement. We note that the applicant has included a plan labeled as a buffer management plan with this submission. However, this plan does not show that the Buffer will be established with native plantings as is required. Instead, the plan shows areas on proposed lots 1, 3, 4, and 7 that will be mowed as yard, some areas that will not be disturbed, and some areas that will naturally regenerate. Continued mowing and a mere lack of disturbance in the Buffer do not meet the requirement of establishing the Buffer in conjunction with subdivision of the property. Please have the applicant submit a planting plan showing that the Buffer for the subdivision will be established with native trees and shrubs as a result of the proposed subdivision as is required.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: WI 756-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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November 6, 2008

Mr. John Fury
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: West Haven Community Pool, 2007-0303-V

Dear Mr. Fury:

Thank you for forwarding the above-referenced variance request for review and comment. The applicant has requested a variance to allow disturbance to slopes 15% or greater within the Critical Area to construct a parking lot and pave an existing trail to serve the proposed community swimming pool and its associated structures. The 6.02 acre portion of the 6.8 acre property that is within the Critical Area is designated as a Limited Development Area (LDA) and is currently developed with a basketball court and trail.

It is our understanding that there is no other location in which the parking lot could be located without creating a greater amount of disturbance to the slopes and expanded Buffer on the property than that which is currently proposed. The applicant must sufficiently demonstrate to the Hearing Officer that if he were to deny the requested variance and the property could not be developed with a pool and associated structures and parking, that this would create an unwarranted hardship for the property owner.

We note that while the extent of the originally proposed disturbance to the nontidal wetland and its 25-foot buffer has been reduced by eliminating the previously proposed access road, it appears there still may be some disturbance to the nontidal wetland and its buffer from the proposed paving of the trail. We note that if any such disturbance is required within the wetland or its buffer, the applicant may be required to obtain permits from MDE for this disturbance.

Mr. Fury
November 6, 2008
Page 2 of 2

If the requested variance is approved, we recommend that as a condition of the variance, the applicant be required to provide mitigation plantings at a 3:1 ratio for the total area of disturbance to slopes 15% or greater for the proposed parking area and trail paving, in addition to the required 1:1 reforestation mitigation for clearing on the property.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 642-06

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 6, 2008

Sally Nash
City of Annapolis
Department of Planning and Zoning
145 Gorman Street, 3rd Floor
Annapolis, Maryland 21401

Re: Turner Marina Site Plan

Dear Ms. Nash:

Thank you for providing revised information on the above referenced project. The applicant plans to redevelop an existing lot that is designated as an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently developed with a dwelling, marina and parking lot and the proposed development is construction of a new commercial building, marina office and parking lot.

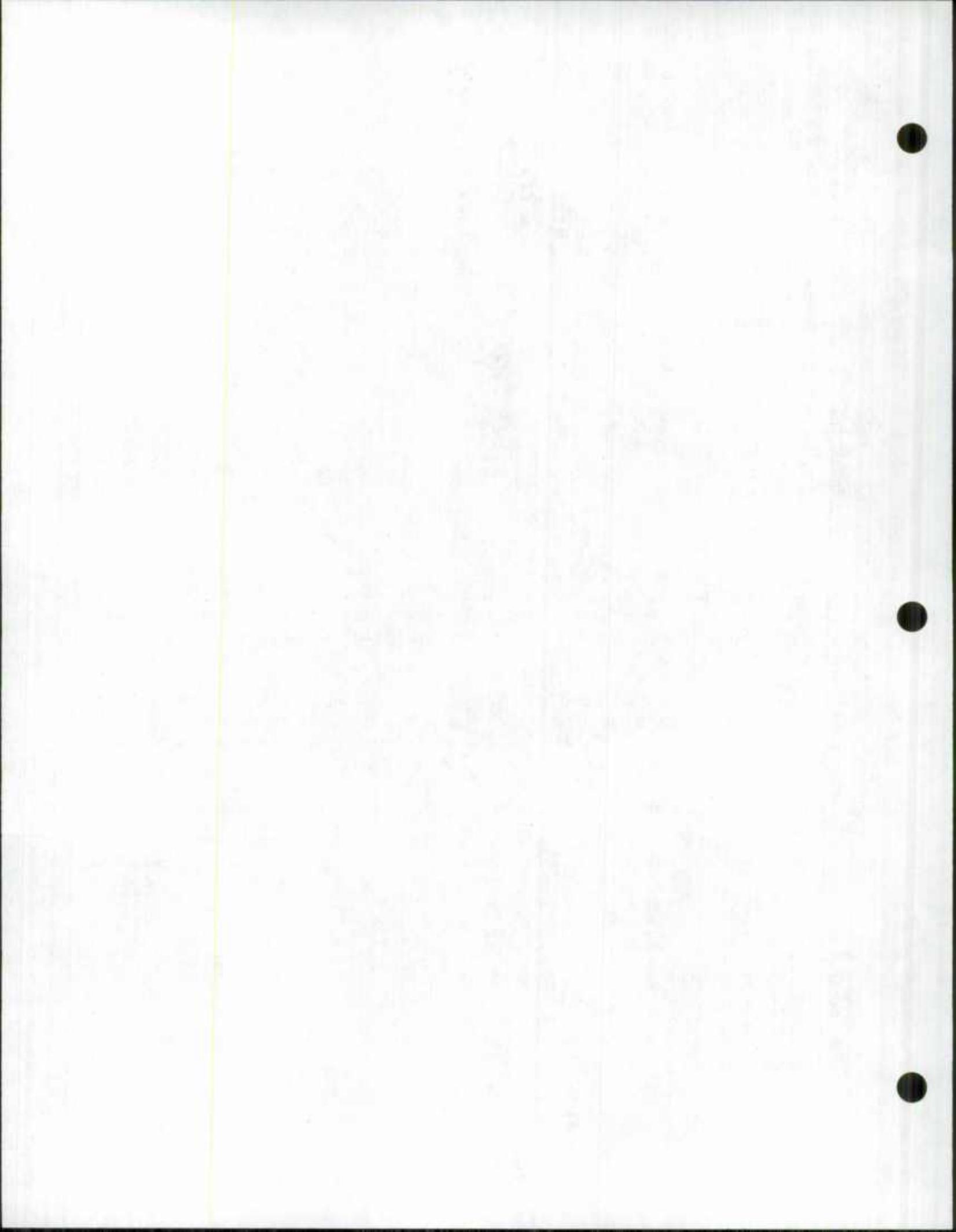
As you are aware, this office confirmed in my November 21, 2007 and April 18, 2008 comment letters that the applicant has addressed all of this office's previously submitted comments on this project. It does not appear that any new Critical Area issues have been raised by the most recent changes to the plans. Therefore, this office has no further comments on the project at this time.

Thank you for the opportunity to provide comments. If you have any questions, please feel free to call 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'AW'.

Amber Widmayer
Natural Resource Planner
AN 629-07
AN 607-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 7, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Powhattan Beach lot 19, Duvall
S 02-033, P 07-0197

Dear Mr. Burke:

Thank you for forwarding revisions to the above referenced subdivision application. The application is for the subdivision of an existing non-conforming lot with two existing dwellings into two conforming lots. The 26,662 square foot property is designated as a Limited Development Area (LDA) and it does not appear that any new development is proposed on the property.

The applicant has addressed to this office's comments in my July 1, 2008 letter and I have no further comments at this time.

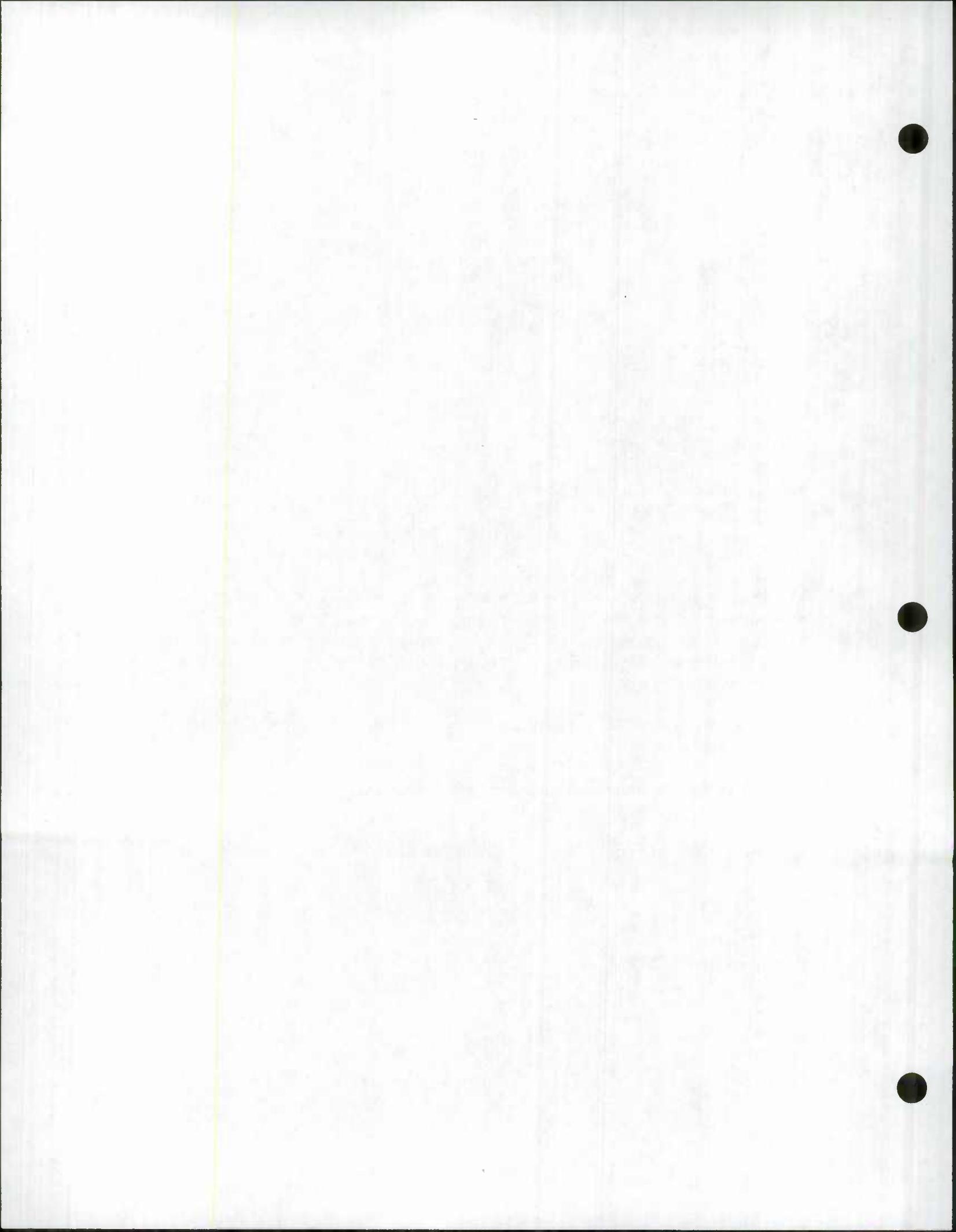
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 651-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 7, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Magenau, Sudduth, Greenway LLP
Modification #10121, P 08-0083-00NM

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned modification request. It appears that the while there is a portion of the applicant's property that is in the Critical Area, the area of the proposed work and wetland disturbance is not within the Critical Area. Consequently this office does not have any comments on the requested modification.

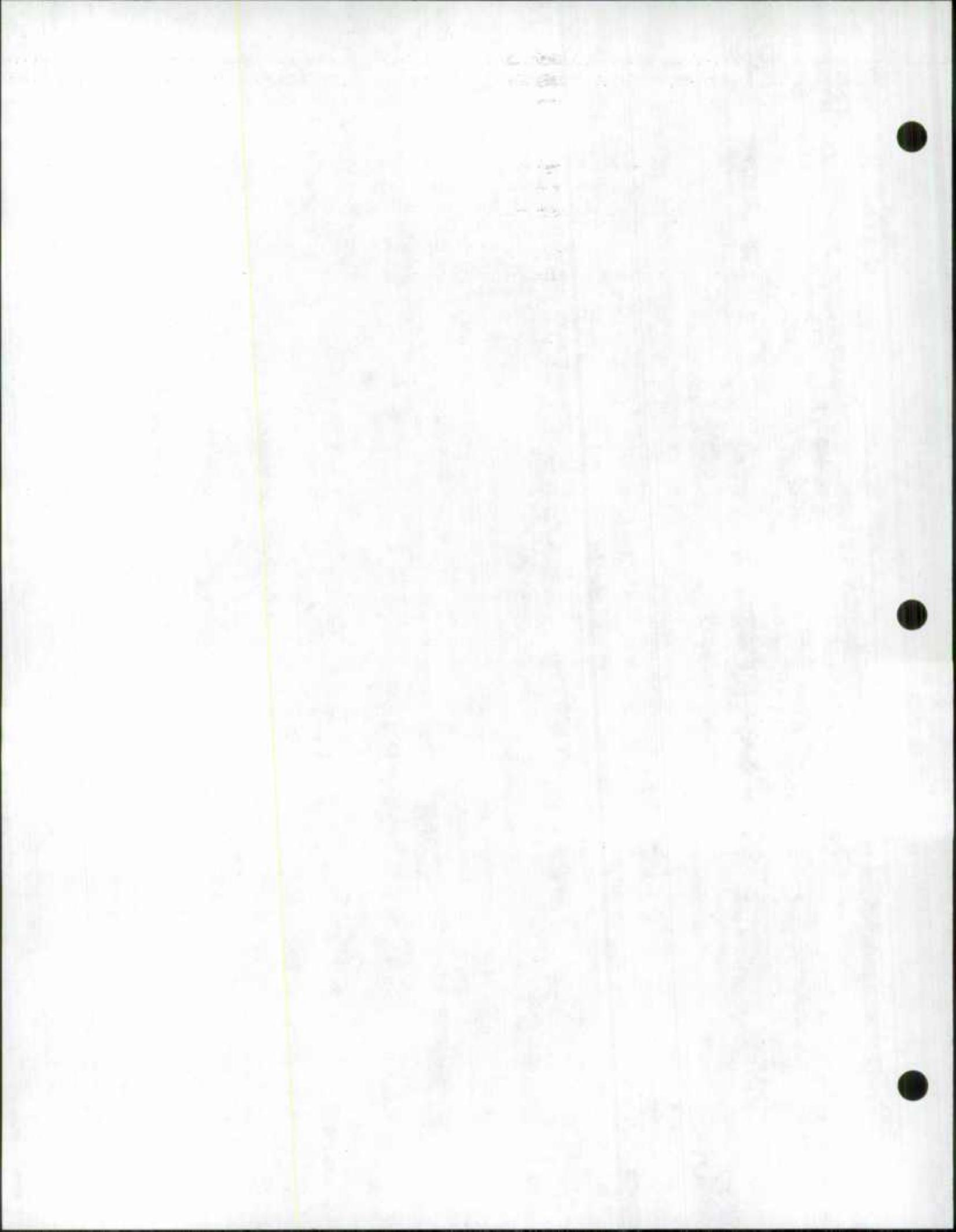
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 603-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 7, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: 3820 Twin Oaks Drive
Modification #10134, G 02013679

Dear Ms. Krinetz:

Thank you for forwarding the above mentioned request for a modification to the County's Code to allow construction of a single family dwelling and driveway with disturbance to the nontidal wetland and its 25-foot buffer on the applicant's property. Within the 11,250 square foot lot, 1,297.5 square feet are in the Critical Area and are designated as a Limited Development Area (LDA). The entire Critical Area portion of the property is a nontidal wetland which is currently undeveloped.

The proposed nontidal wetland disturbance within the Critical Area is for the construction of a 12-foot wide driveway, and installation of a septic tank. We recommend that if feasible, the applicant reduce the width of the proposed driveway so as to minimize the proposed disturbance to the nontidal wetland.

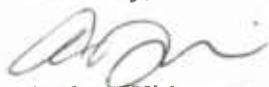
Also, we note that development of the applicant's property will require the extension of Twin Oaks Drive to access the property. Most of the proposed road extension is within the nontidal wetland and its 25-foot buffer. If any minimization of this road width is possible, we recommend that this be done as well. Also, while the proposed clearing of existing forested area and disturbance to the wetland for the extension of the road is not on the applicant's property, the applicant should be required to provide the appropriate amount of reforestation mitigation to address this disturbance, since it is the applicant's proposed development which will cause this disturbance.

The applicant must have a permit from the Maryland Department of the Environment to disturb the nontidal wetland and its 25-foot buffer as proposed.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Ms. Krinetz
November 7, 2008
Page 2 of 2

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 602-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 10, 2008

Mr. Vivian Marsh
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, MS 6305
Annapolis, Maryland 21401

Re: Holder Property
S 86-322, P 05-012000NF

Dear Mr. Marsh:

I have received the final subdivision plats for the above referenced project. The applicant proposes to subdivide an undeveloped 111.68 acre property to create 29 single family lots with construction of a new dwelling and driveway on each lot. 77.53 acres of the property are within the Critical Area with 24.52 acres designated as a Limited Development Area (LDA) and 53.01 acres designated as a Resource Conservation Area (RCA). It appears that the proposed development within the Critical Area is only located within the LDA portion of the property. Several of this office's comments from my July 29, 2008 letter were not addressed in the final plans. Therefore, I have included these comments in this letter as well, as follows:

1. It appears there are some inconsistencies in the labeling on the Reforestation Plan. The plans indicate that areas of already existing tree lines are to be counted towards mitigation credit. Existing trees do not count towards Critical Area reforestation. The applicant must distinguish between those unforested areas that shall be reforested for mitigation/reforestation purposes and those areas that are currently forested and will be dedicated to an easement. Due to the discrepancies in the Reforestation Plan, please have the applicant provide a planting plan showing the number, size and species of the proposed onsite mitigation plantings. These mitigation planting areas should be clearly distinguished from the existing forested areas to remain, and the mitigation planting areas can not be located in areas that are currently forested. This office recognizes 100 square feet of planting credit per 2-inch caliper tree and 50 square feet of planting credit per seedling or shrub in a 3-5 gallon container. If a large tree is planted in a cluster with either

two smaller trees or three shrubs, this office will recognize 400 square feet of planting credit for each cluster. The plantings should be native species and a list of such species can be found in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed document which is available at <http://www.nps.gov/plants/pubs/chesapeake/>.

2. There are discrepancies in the calculations of the final plans regarding the total number of acres of nontidal wetlands on-site. The total area of wetlands identified on sheets two through five generate a total of 36.56 acres of non-tidal wetlands while the table on sheet one states 37.23 acres exist on-site. Please resolve this inconsistency.
3. A copy of the Army Corps of Engineers Jurisdictional Determination should be forwarded to this office to verify the delineation of the water feature that appears to cross lots 25, 26, 6, and 7.
4. We recommend that the applicant provide fencing or signage to mark the nontidal wetland buffer that abuts the lot lines for proposed lots 1, 3, 4, 6, 11, 17, and 25-29 to provide notice to current and future property owners that no disturbance is allowed within this area.

Thank you for the opportunity to provide comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resource Planner

cc: AA 323-03

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 12, 2008

Mr. Jeff Torney
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Madison Warehouse Trailer Storage Expansion
C 08-005300NC, G 02013516

Dear Mr. Torney,

Thank you for forwarding the above referenced project for review and comment. The applicant proposes to expand an existing warehouse by constructing a 195 trailer storage lot and by constructing a stormwater outfall. Of the 38.75 acre property, 29.48 acres are within the Critical Area with 13.09 acres designated as a Limited Development Area (LDA) and 16.20 acres designated as a Resource Conservation Area (RCA). The proposed project disturbance is entirely within the LDA portion of the property. The applicant has addressed this office's previous comments from Kerrie Gallo's July 21, 2008 letter and I have provided my remaining comments below:

1. As required, the applicant has submitted the Forest Interior Dwelling Bird (FIDs) mitigation worksheet in order to quantify the proposed disturbance within FIDs habitat and the required FIDs mitigation. Because the applicant has met the FIDs guidelines, the applicant can provide 1:1 mitigation for the proposed clearing of 4,312 square feet of existing FIDs habitat. The proposed 4,500 square feet of mitigation will meet this FIDs mitigation requirement.
2. While the applicant is meeting the FIDs mitigation requirement with the proposed mitigation plantings as described above, the applicant must also provide mitigation plantings for the proposed disturbance within the 100-foot Buffer for the proposed outfall construction. This disturbance is measured by the area that is within the limits of disturbance within the 100-foot Buffer for the proposed outfall improvements. Mitigation must be provided for this area of disturbance at a 2:1 ratio. Please have the applicant quantify the area of proposed Buffer disturbance, and provide additional mitigation plantings on the planting plan as necessary.
3. COMAR 27.01.02.04.C.3 requires that when forest and developed woodlands in the LDA are altered, that 80% of the existing forest cover be maintained through the use of appropriate instruments, such as conservation easements that are recorded with the County. Therefore, the applicant must show on the plans that 80% of the existing forested area on the property will be

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Ms. Krinetz
November 12, 2008
Page Two

placed in a conservation easement. Please have the applicant show the acreage and the location of this easement area on future plans.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 375-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 12, 2008

Ms. Diane Ditzel
Project Planning Division
State Highway Administration
707 North Calvert Street
Baltimore, MD 21202

Re: MD 3 Business Drainage Improvements

Dear Ms. Ditzel:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On November 5, 2008, the Critical Area Commission unanimously approved Maryland State Highway Administration's (SHA) proposal and site plan to construct the proposed storm drain pipe within the existing MD 3 roadway and outfall to Sawmill Creek.

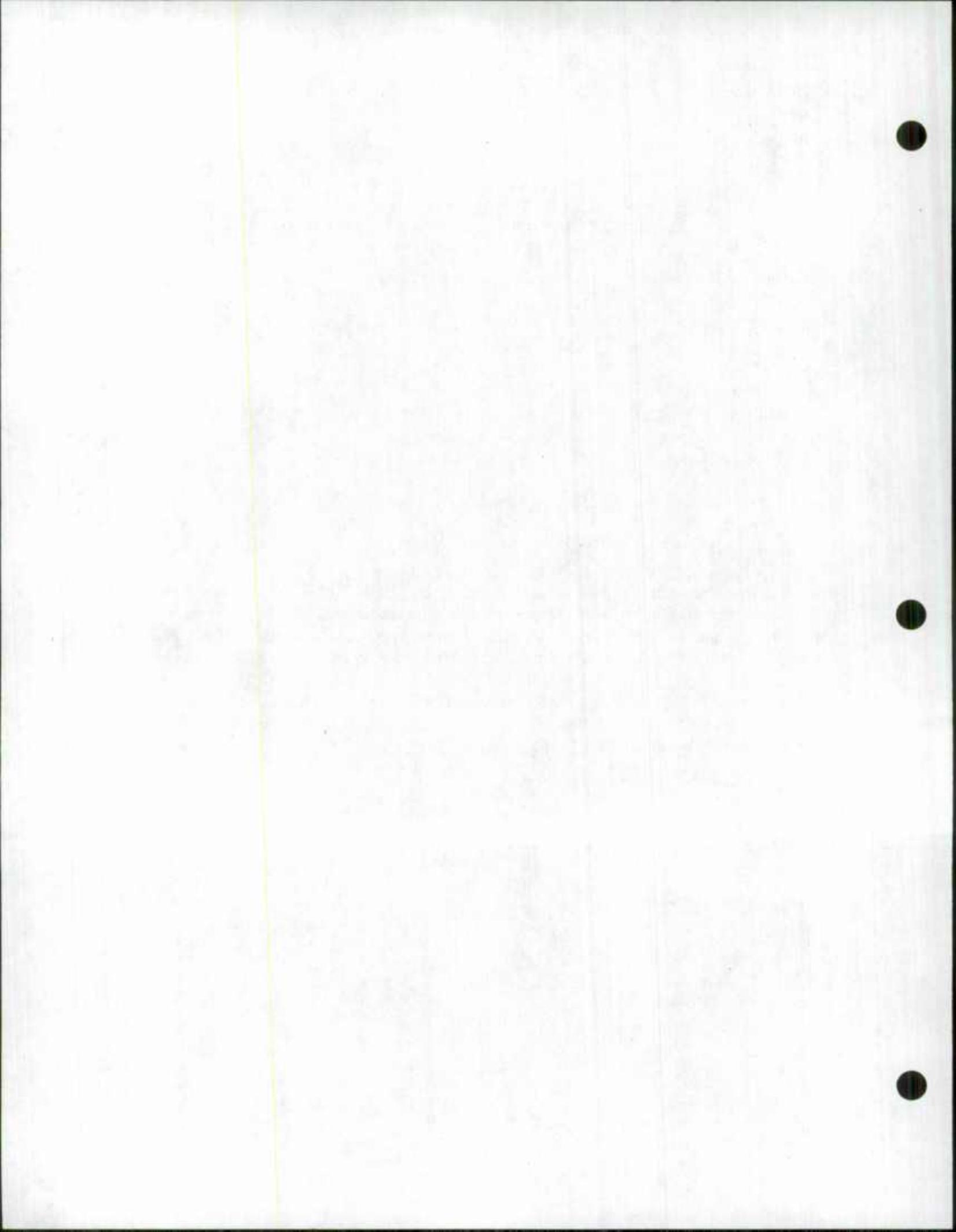
Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: 38-07 DOT-SHA



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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November 12, 2008

Butch Norden
Maryland Department of Natural Resources
Maryland Park Service, E-3
580 Taylor Avenue
Tawes State Office Building
Annapolis, MD 21401

Re: Sandy Point State Park Parking Lot Improvements and Bulkhead Redevelopment
Anne Arundel County

Dear Mr. Norden:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On November 5, 2008, the Critical Area Commission unanimously approved Maryland Department of Natural Resources' (DNR) proposal and site plan to install lighting and to resurface the boat ramp parking lot, and to redevelop the existing marina bulkhead. This approval included the following conditions:

- (1) Within 30 days of Commission approval, the Maryland Department of Natural Resources will provide a signed planting agreement to Commission staff;
- (2) Prior to the start of construction activities for the replacement bulkhead, the Maryland Department of Natural Resources shall obtain the necessary erosion and sediment control, stormwater management, and tidal wetland authorizations from the Maryland Department of the Environment and submit copies to Commission staff;
- (3) Prior to the start of construction activities for the parking lot improvements, the Maryland Department of Natural Resources will submit documentation from the Maryland Historical Trust to Commission staff stating that it has no concerns regarding the proposed improvements; and
- (4) Prior to commencement of construction activities for the bulkhead replacement, the Maryland Department of Natural Resources shall submit documentation from the Maryland Historical Trust to Commission staff stating that it has no concerns regarding the proposed replacement.

Mr. Norden
November 12, 2008
Page 2 of 2

Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: 61-07 DNR
Ken Usab, MRA

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 13, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Hidden View Farm
S 93-168, P 07-0156

Dear Mr. Burke:

I have received revised materials for the above-referenced subdivision application. The applicant proposes to subdivide two existing parcels to create a total of five lots. 52.14 acres of the 100.67 acre property are within the Critical Area and are designated as a Resource Conservation Area (RCA). The property is currently developed with an access road and three dwellings, two of which are within the Critical Area. The applicant proposes to construct two new dwellings outside of the Critical Area, which requires expansion of the existing access road within the Critical Area. The applicant has addressed most of this office's comments from my July 30, 2008 letter. I have outlined my remaining comments below:

1. We note that the applicant proposes to address part of the FIDs mitigation planting requirement with offsite plantings or by fee in lieu payment. Because it is this office's understanding that the County does not have a FIDs fee in lieu program, the applicant must identify a suitable property on which the offsite FIDs plantings can be provided prior to subdivision approval. An offsite FIDs planting area must be adjacent to a permanently protected area of FIDs habitat that is 50 acres or larger, and the plantings that are provided must be placed in an easement that will prohibit future cutting and clearing and will restrict locating structures or impervious surfaces in this area. Please provide this information prior to final plat approval.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

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Mr. Burke
November 13, 2008
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read 'Amber', with a horizontal line extending to the right.

Amber Widmayer
Natural Resources Planner
cc: AA 534-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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November 13, 2008

Mr. Tom Smith
City of Annapolis
Department of Planning and Zoning
145 Gorman Street, 3rd Floor
Annapolis, Maryland 21401

Re: Killingstad Variance

Dear Mr. Smith:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to replace the roof of an existing shed in the Buffer with a heightened roof. The 56,776 square foot property is designated as a Limited Development Area (LDA) and is currently developed with a single family home, driveway, pool, patio, detached garage, waterfront tram, two sheds, waterfront steps and walkway, and a pier.

It does not appear that the requested variance will create any new disturbance within the 100-foot Buffer, since the proposed alteration of the shed does not appear to extend beyond the existing structure's footprint. Provided the property owner can produce documentation that the existing shed was in its current location within the 100-foot Buffer prior to the effective date of the Critical Area law, or that it is permitted in the Buffer by a previous variance, and that the shed will continue to be used only as a shed, this office does not oppose the proposed change to the shed's roof.

While we do not generally oppose a variance provided the City can affirm the conditions outlined above, several details on the plans indicate that the shed will be developed for an alternative and more active use, and that the shed will not continue to be used only as legally non-conforming storage shed. In this regard, we note that the plans indicate that there will be an alternative use of the existing structure by referring to the shed as the "Killingstad Beach House," by showing that this beach house will be winterized with a heater, insulation and finished floors, and by showing that French doors, windows, and a sink will be installed. All of these improvements are ones that are not typically made to sheds which are used only for storage. Rather, the changes appear consistent with the definition of a guest house or accessory dwelling unit.

If the variance is granted for the structural changes to the roof of the existing shed, we recommend that the variance be conditioned on a prohibition of a change in use of the shed. If an intensification in use

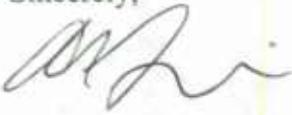


Mr. Smith
November 13, 2008
Page 2

of the shed is proposed, rather than a simple roof replacement as stated in the application, this office is not able to offer support for the proposal and recommends that it be removed from the Buffer. While this office recognizes that variances may sometimes be necessary so that a property owner can make reasonable repairs to existing structures that are within the Buffer, the variance process should not be used for permitting intensification in usage of such structures, as appears to be the ultimate goal in this case. The construction of an accessory dwelling unit, beach house, or guest house within the Buffer is not in keeping with the spirit and intent of the Critical Area Law and Criteria.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please feel free to call me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resource Planner

cc: AN 525-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 14, 2008

Ms. Bobbie Hutchison
Calvert County
Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Skipjack Quay Townhomes

Dear Ms Hutchison:

I have received revised information regarding the above-mentioned proposed project. It appears that the applicant proposes to combine two existing parcels and construct 18 townhomes on the resulting 2.64 acre property. The property is currently developed with a pier, two dwellings which will be removed, and several structures in the Buffer that the applicant proposes to renovate, including a boathouse, road, patio, steps and retaining wall. The property is within the Critical Area and is designated as an Intensely Developed Area (IDA). I have provided my remaining comments below:

- 1) Previously, the applicant indicated that completion of the requested 10% calculations was underway. However, it does not appear that the completed 10% worksheets were included with the revised application materials. Please have the applicant submit these calculations to this office for review upon their completion. Additionally, the applicant should show on the plans how the resulting pollutant removal requirement will be addressed on the site, including specifications of any proposed stormwater treatment devices. This information must be provided prior to final site plan approval.
- 2) We note that the applicant has indicated that the existing patio will be removed. However, several sheets of the current plans still show that this patio and firepit area will remain. Please have the applicant remove the patio and firepit area from the proposed plans.
- 3) There is a note on sheet 6 of the plans stating, "Patios may require stairs at front door due to flood plain construction requirements." Please have the applicant add to this note that no disturbance within the 100-foot Buffer will be permitted for the footprint of these stairs or for any construction activities associated with construction of these stairs. Future disturbances



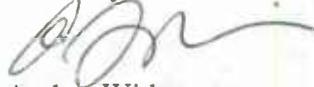
Ms. Hutchison
November 14, 2008
Page Two

should not be permitted on this site if it will require a variance to the County's Critical Area Program. Please note that this office will not support such a variance. Therefore, we recommend that the applicant demonstrate on the plans at this time how such stairs would be constructed and configured so that there is no disturbance within the Buffer.

- 4) We defer to the County's determination as to whether allowing both the proposed redevelopment of the existing waterfront steps and the proposed paving of the existing 12-foot wide gravel road is consistent with the County's standards for allowing only one water access through the Buffer, since 8-1.08.D.3.c of the Code provides, "No more than one access through the Buffer is permitted per waterfront lot. A four-foot-wide access is allowed if the access is for steps or a pathway; **or** a 12-foot-wide access is allowed for vehicular access."

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: CA 653-06
Richard McGill, P.E.

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

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November 14, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: 1706 Marley Avenue, Klosterman
Modification 10147, G 02011985

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced modification request. The applicant proposes to redevelop an 8,901 square foot property with a single family dwelling, driveway and deck with disturbance to the 25-foot nontidal wetland buffer on the property. The property is currently developed with a dwelling which will be removed. The entire property is within the Critical Area and it is designated as a Limited Development Area (LDA).

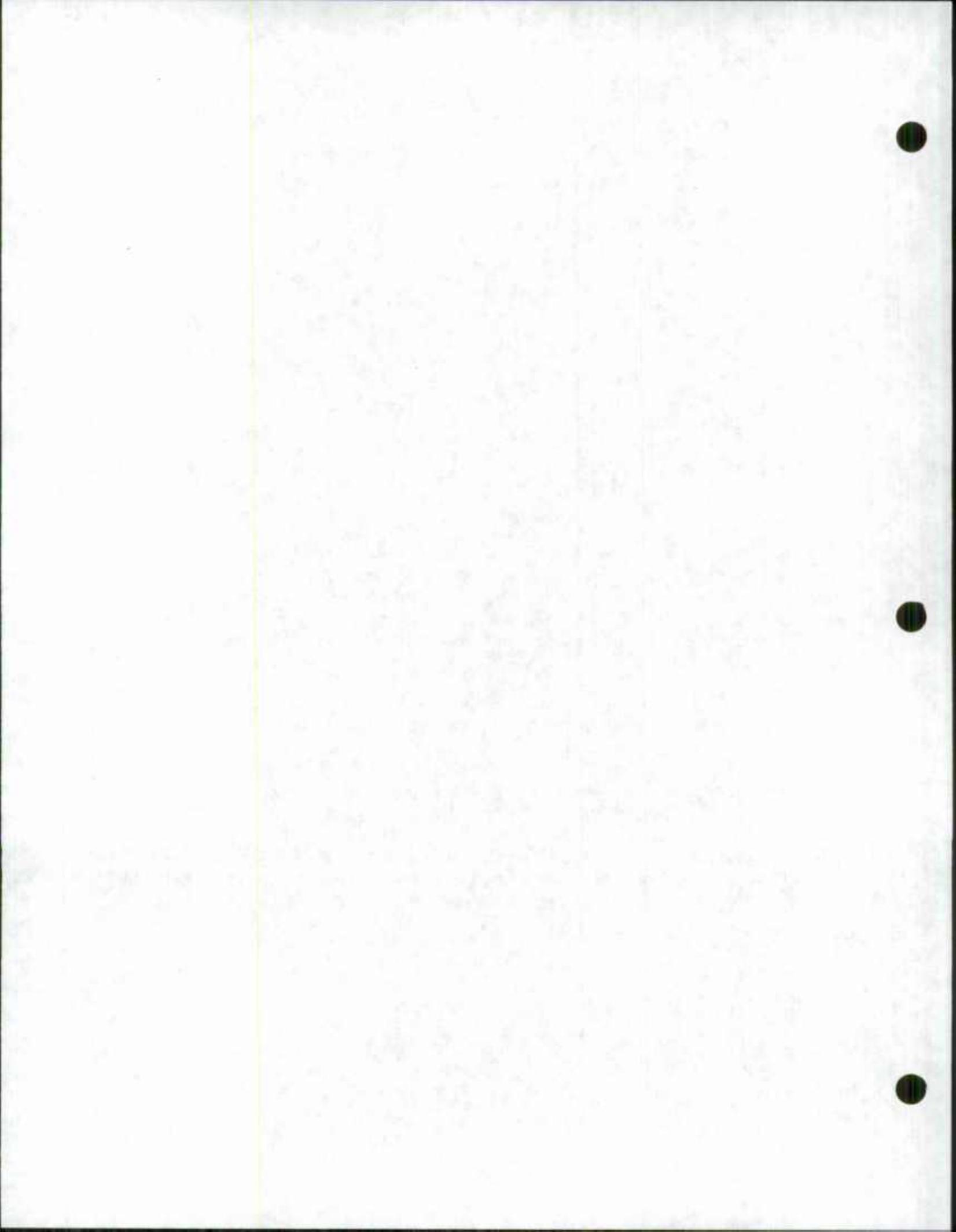
While it appears that redevelopment of the property will require some degree of disturbance within the 25-foot nontidal wetland buffer on the property, it seems the extent of the proposed 25-foot buffer disturbance could be minimized. For instance, the applicant could relocate the proposed house closer to the front of the property over the existing house footprint and reconfigure the proposed square house into a long or narrow house that would better fit within the portion of the property which is outside of the nontidal wetland buffer. Additionally, the proposed wood deck could be located on the southern side of the rear of the house such that it is outside of the nontidal wetland buffer, instead of locating it on the northern side of the rear of the house which is in the nontidal wetland buffer. We recommend that such changes be made to the plans in order to show that the proposed wetland buffer disturbance is the minimum necessary for redevelopment of the property.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner
cc: AA 630-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 14, 2008

Mr. Vivian Marsh
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Tanyard Cove North/Heritage at Phase I
S 90-210, P 06-0021

Dear Mr. Marsh:

Thank you for forwarding the final development plans for the above-referenced subdivision request. The applicant has addressed this office's comments from my April 16, 2007 letter. I have provided my remaining comment below:

- 1) The applicant must specify how the FIDs planting requirement that can not be addressed on the property will be met. It is unclear whether the applicant proposes to meet this requirement through payment into an established FIDs mitigation bank, or by providing FIDs mitigation plantings on a suitable offsite property. In order to be considered a suitable offsite FIDs mitigation property, the offsite planting area must be adjacent to an area of existing FIDs habitat that is at least 50 acres in size and is permanently protected. The proposed offsite planting area must also be placed in a conservation easement that will permanently protect the new FIDs plantings from future cutting or clearing, and will prevent the location of any structures or lot coverage within that planting area. We recommend that this subdivision not be approved until the applicant provides a planting plan showing how the entire FIDs mitigation requirement will be addressed.

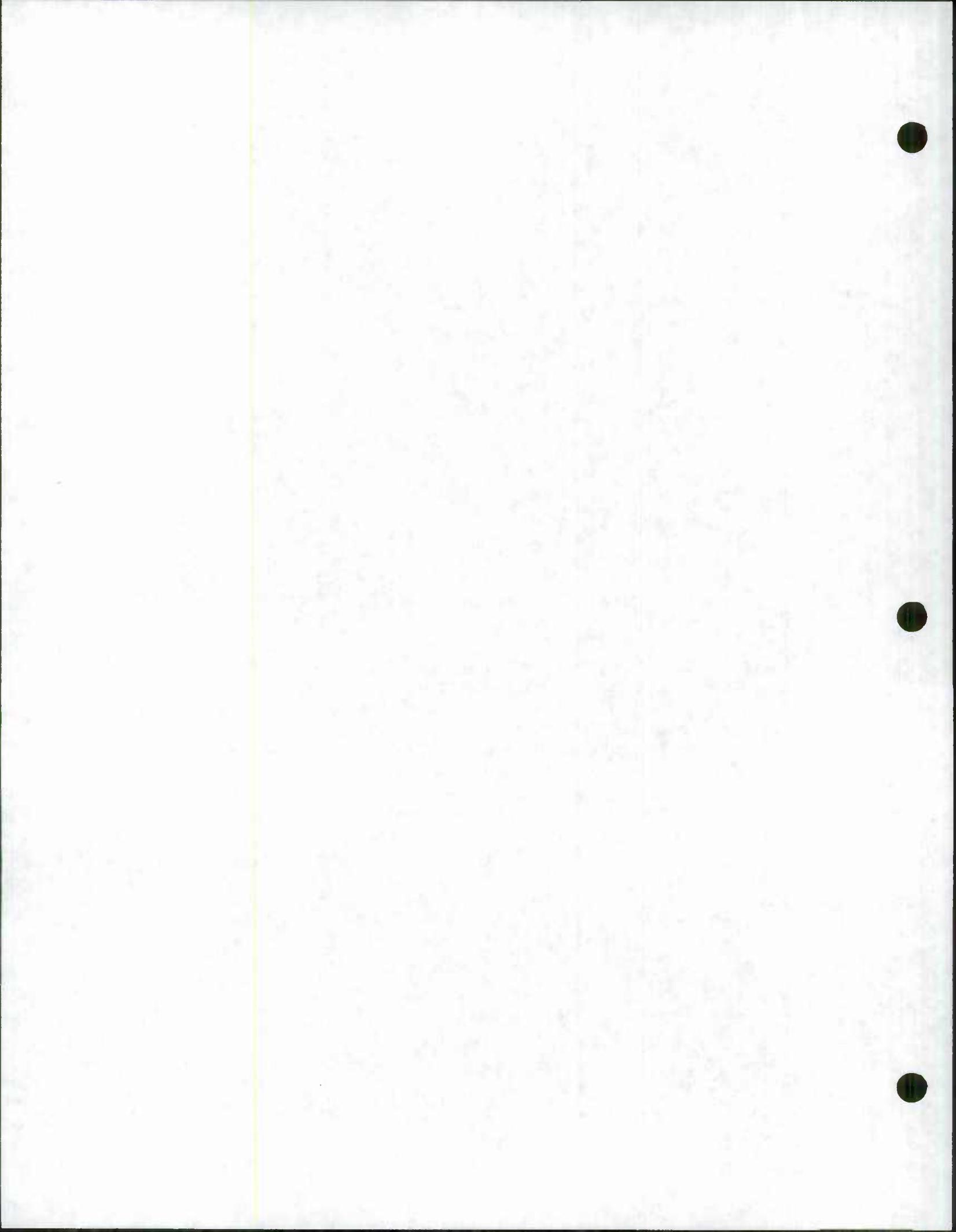
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "AW", written over a light-colored background.

Amber Widmayer
Natural Resources Planner

cc: AA 118-04



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 14, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Selby on the Bay Subdivision, Block A, Lots 25, 26, & 27
Modification 10100, S 1993-013, P 2008-0140-00NP

Dear Ms. Krinetz:

Thank you for forwarding the plans for the above-referenced project and the requested modifications. The applicant proposes to subdivide an existing 0.76 acre property consisting of three previously merged lots, into two lots, with construction of a new dwelling and driveway on each of the two new lots. The property is currently developed with a dwelling, driveway, pier and shed. With the exception of the pier, all of the existing development will be removed. The entire property is within the Critical Area, it is designated as a Limited Development Area (LDA), and it is mapped as a Buffer Management Area (BMA). I have outlined my comments on the project below:

- 1) The County's Critical Area program does not contain provisions for subdividing property within the BMA. However, because the applicant proposes to record an agreement for shared use of the existing pier by the two proposed properties, and because the new development will be located outside of the 100-foot Buffer, subdivision within the BMA is not objectionable in this case.
- 2) The applicant must provide a planting plan showing that a 25-foot Bufferyard will be established on both proposed lots. This Bufferyard must be densely planted with native species of trees and shrubs such that no additional plantings can be located in this 25-foot buffer to the shoreline. A list of suitable native species can be found in the U.S. Fish and Wildlife Service's Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed document which is available at <http://www.nps.gov/plants/pubs/chesapeake/>.
- 3) It is unclear why the plan indicates that 0.38 acres of clearing is "proposed/allocated" to each proposed lot, since this amount of clearing is not allowed, this amount of forested area is not present on the proposed lots, and it does not appear from the development plans that clearing of the existing tree or shrubs is proposed. Accordingly, please have the applicant remove or correct these figures on the plans.

Ms. Krinetz
November 14, 2008
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read 'AW', is written over a light blue horizontal line.

Amber Widmayer
Natural Resources Planner

cc: AA 582-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 14, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Windermere Estates
S 95-165, P 07-0248

Dear Mr. Burke:

Thank you for forwarding the above referenced subdivision application materials. The project proposes to subdivide an existing 46.81 acre parcel into a 2-lot subdivision. The current plan does not show the proposed lot lines or development, but an earlier plan received by this office on November 30, 2004 shows a new dwelling, driveway and septic area on each of the proposed lots. The property is currently undeveloped, is mostly within the Critical Area and is designated as a Resource Conservation Area (RCA). I have outlined my comments below:

1. Please have the applicant clarify whether the entire property is within the Critical Area. If it is not, please have the applicant confirm that the current lot coverage and forest calculations represent only the portion of the property that is within the Critical Area.
2. The applicant must submit an updated letter from Maryland Department of Natural Resources' Wildlife Heritage Service (WHS) confirming that there are no rare, threatened or endangered species or other Habitat Protection Areas on the property. The letter provided with the application is more than two years old and therefore a new letter is required. Please submit this letter with future submittals once it is received.
3. We note that the old WHS letter identifies several protected plant species in the vicinity of the property. If the new WHS letter also identifies such species, the applicant must do a survey of the property for these species and incorporate any WHS recommendations for protecting these species into the plans, as necessary.

4. The applicant must submit a current plan showing the proposed lot lines, the proposed development, the limits of disturbance for the proposed development, and the proposed conservation easements that will be placed on 80% of the existing forested areas to remain as is required by COMAR 27.01.02.04.C(3)(c).
5. Anne Arundel County's Critical Area program § 17-8-502 requires that, "a habitat protection area shall be preserved and protected in connection with all development as set forth in this subtitle and as required by the Office of Planning and Zoning in accordance with the recommendation of the Department of Natural Resources and other reviewing agencies." Because it appears that the existing forested area on the property is FIDs habitat, which is identified as a Habitat Protection Area (HPA) in the County's Code, the applicant must show that the guidelines for minimizing disturbance to FIDs habitat contained in the Commission's document, "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area," have been followed. Based on the proposed development shown on the 2004 plan, the applicant has not followed these guidelines. Therefore, the development plan must be modified to minimize the proposed FIDs habitat disturbance. It appears that this can be done by relocating the proposed dwellings, driveways and septic systems in accordance with the guidelines which direct the applicant to minimize the length of driveways, to maintain canopy closure, and to concentrate or restrict development to the perimeter of the forest.
6. The applicant has provided a survey of the Forest Interior Dwelling Bird (FIDs) habitat on the property, but has not submitted the FIDs worksheet as is necessary to quantify the proposed FIDs habitat disturbance as well as the resulting FIDs mitigation planting requirement. Please have the applicant complete and submit this worksheet, which can be found within the Commission's document, "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area," which is available on the Commission's website at the following web address:
http://www.dnr.state.md.us/criticalarea/tweetyjune_2000.pdf. This information should be provided prior to preliminary plat approval.
7. The applicant has indicated that 46.63 acres of the 46.81 acre property is currently forested. Consequently, it appears that the majority of any required FIDs mitigation plantings will have to be done offsite. The applicant must identify a suitable offsite property on which the FIDs mitigation requirement can be addressed. Suitable offsite FIDs mitigation planting areas must be adjacent to at least 50 acres of permanently protected existing FIDs habitat, and the proposed FIDs planting area must be placed in a conservation easement that restricts future cutting or clearing and prohibits the location of any structures or impervious surfaces within the planting area. This information should be provided prior to preliminary plat approval.

Mr. Burke
November 14, 2008
Page 3 of 3

8. It does not appear that the 100-foot Buffer has been correctly expanded for the contiguous slopes 15% or greater as is required. The County's Critical Area program §18-13-104 requires that the 100-foot Buffer be expanded "by the greater of four feet for every 1% of slope or to the top of the slope **and** shall include all land within 50 feet of the top of the slopes. Please have the applicant revise the Buffer on the plans accordingly.

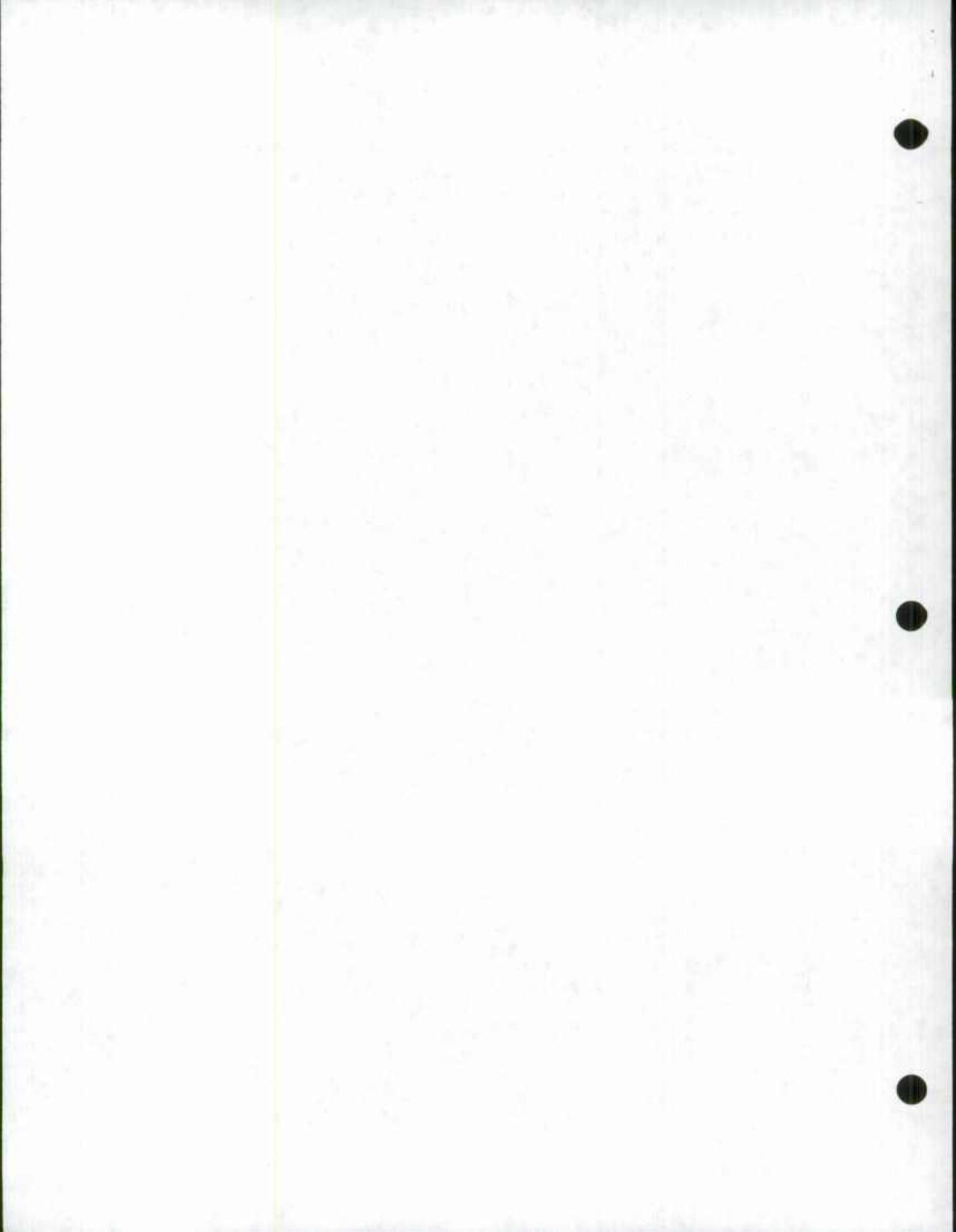
Thank you for the opportunity to comment. Please telephone me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 887-04



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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November 14, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Epping Forest-Lots 23, 24, P/O 22, Block 10
Modification 10116, S 1995-083, P 08-014900NP

Dear Ms. Krinetz:

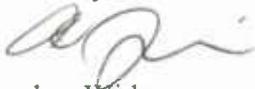
Thank you for forwarding information regarding the above-mentioned proposed subdivision and the requested modification to the sketch plan review. The applicant proposes to combine two existing merged lots and part of a third lot to create one 6,000 square foot lot. The property is currently developed with a single family dwelling, deck, driveway, septic system, and fence, and no development is proposed on the property at this time. The property is within the Critical Area and is classified as a Limited Development Area (LDA). I have outlined my comments below.

- 1) The property is an LDA and consequently is subject to the requirements for development in an LDA in Anne Arundel County's Critical Area program, including the 15% lot coverage limit, forest clearing limits and mitigation requirements, and the 15% minimum afforestation requirement. It appears that the footprint of development on the property may exceed the 15% lot coverage limit. Therefore, we recommend that a note be included on the plat stating that no additional lot coverage is allowed on the property in the future. If possible, the other part of lot 22 should be included with this consolidation so that the new lot is in conformance with the 15% lot coverage limit to the extent feasible.
- 2) This office also recommends that the applicant include the following notation on the plat:
 - Lot 23 R is in a Limited Development Area (LDA) and any proposed redevelopment of the lot must be done in conformance with the LDA development requirements in the Anne Arundel County Critical Area program, including the 15% lot coverage limit, forest clearing limits and mitigation requirements, and the minimum 15% afforestation requirement.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Ms. Krinetz
November 14, 2008
Page Two

Sincerely,



Amber Widmayer
Natural Resource Planner

cc: AA 621-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 17, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Deep Creek Restaurant
S 08-008000NC

Dear Mr. Burke,

Thank you for forwarding the above-referenced site plan for this office's review and comment. The applicant proposes to construct a 25-foot by 34-foot deck off of an existing commercial building over an existing paved area in the Buffer. The 66,000 square foot property is within the Critical Area, is designated as a Limited Development Area (LDA), is mapped as a Buffer Management Area (BMA) and is currently developed with a restaurant and parking lot. I have provided comments below:

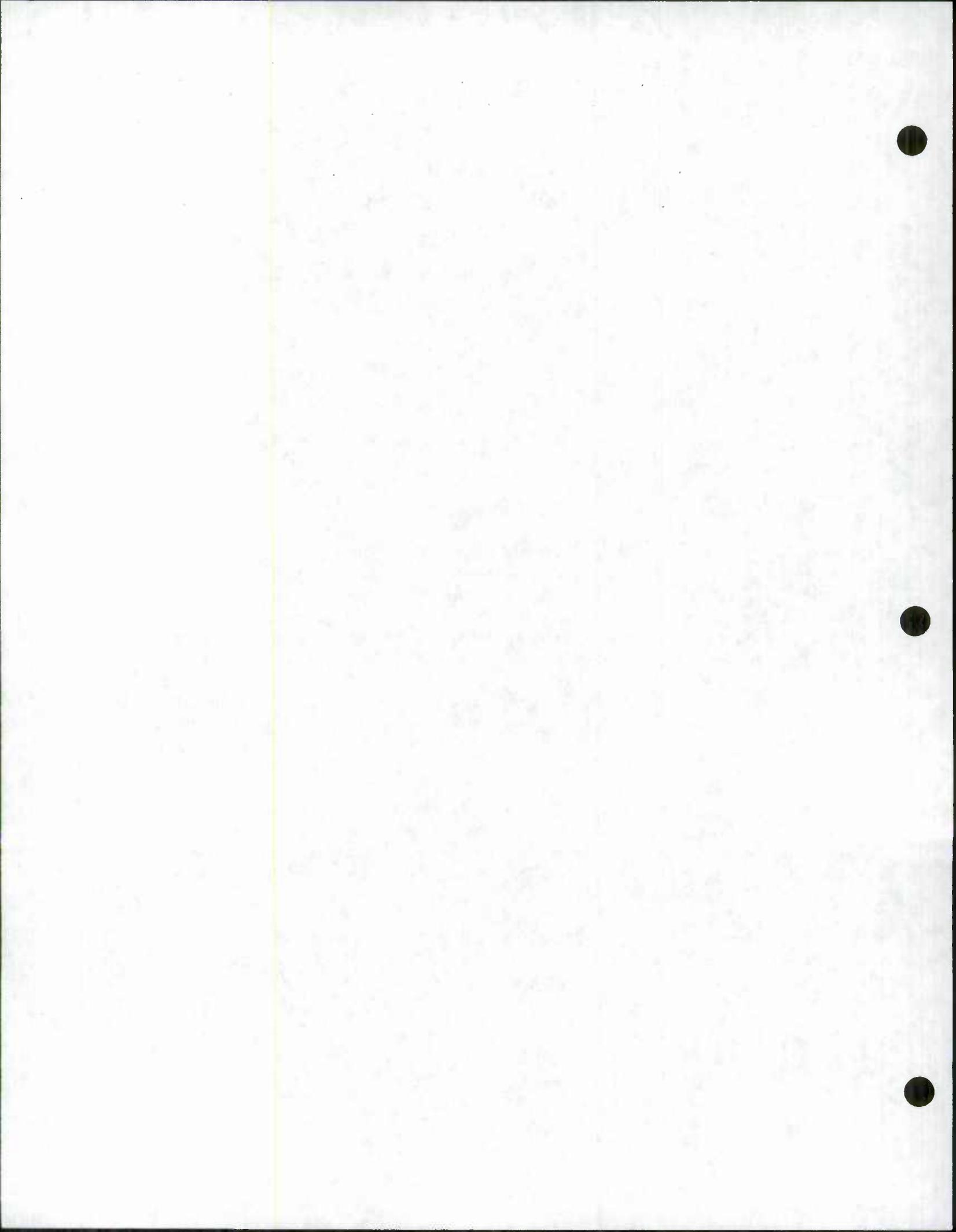
We note that the existing footprint of development on the property far exceeds the 15% lot coverage limit within the LDA. While it does not appear that the proposed deck will increase this footprint since it will be constructed over an existing paved area, we recommend that the applicant provide some water quality improvement to offset this footprint in conjunction with the proposed deck construction. For instance, we recommend that the applicant remove the existing paved area beneath the deck and replace it with mulch. Additionally, as a result of the proposed development activity, the County Code requires the applicant to provide a planted 25-foot bufferyard at the water's edge to the extent feasible. In addition to being a requirement for development within the BMA, these plantings will help to treat some of the currently untreated stormwater runoff generated by the excess lot coverage on the property. Also, we note that if the property is redeveloped in the future, it must comply with the 15% lot coverage limit to the extent feasible.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner
cc: AA 549-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 18, 2008

Mr. Tom Smith
City of Annapolis
Department of Planning and Zoning
145 Gorman Street
Annapolis, Maryland 21401

Re: Clay Street Redevelopment
City of Annapolis

Dear Mr. Smith:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On May 7, 2008, the Critical Area Commission unanimously approved the Housing Authority of the City of Annapolis' proposal and site plan to redevelop the existing public housing units at the intersection of Clay Street and Obery Court. This approval included the following condition:

The City of Annapolis shall obtain the necessary stormwater management and sediment and erosion control permits prior to the initiation of any construction activities on the site, including demolition activities. Copies of these permits shall be provided to Commission staff once obtained.

The approval was also on the mitigation package provided by the applicant which consisted of 21 trees to address the removal of seven trees in the Buffer, and 104 trees to address the 31 trees removed outside the Buffer. I am enclosing a copy of the signed planting agreement that confirms the mitigation described above. Please notify me once the planting plan has been implemented.

Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3481.

Mr. Smith
November 18, 2008
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read 'AW', with a stylized flourish at the end.

Amber Widmayer
Natural Resources Planner

cc: AN 87-08
Vernon Husted, Sigma Engineering

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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November 18, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Point Pleasant Lot 34 Revised, Lello
Modification 10119, S 1987-347, P 08-0147

Dear Ms. Krinetz:

Thank you for forwarding information regarding the above-mentioned proposed subdivision and the requested modifications. The applicant proposes to divide an existing 35,565 square foot lot into two lots with an existing dwelling to be retained on each of the proposed lots. The property is classified as a Limited Development Area (LDA) and is mapped as a Buffer Modification Area (BMA). It appears that no development is proposed at this time, with the exception of the removal of several existing concrete areas and two sheds so that the proposed subdivision will comply with the 15% lot coverage limit within the LDA. I have outlined my comments below.

- 1) The property is an LDA and consequently is subject to the requirements for development in an LDA in Anne Arundel County's Critical Area program, including the 15% lot coverage limit, forest clearing limits and mitigation requirements, and the 15% minimum afforestation requirement. We recommend that a note be included on the plat stating that any redevelopment of the lots must be done in conformance with these LDA development requirements. Also, we recommend that a plat note be added stating that redevelopment of the property will require providing a 25-foot bufferyard and 2:1 mitigation for the area of disturbance within the 100-foot Buffer from clearing, grading and lot coverage.
- 2) The waterfront property does not currently have an established 25-foot bufferyard, as is required in the BMA. We recommend that the applicant plant native trees and shrubs at the water's edge to establish such a bufferyard at this time. It appears that ample room exists on the site to comply with this provision of the County Code.
- 3) The proposed subdivision will create two waterfront lots where there was one. So that this subdivision will not double the potential for the cumulative disturbance to the Bay that could result from creating rights to two piers where there was one, we recommend that the applicant

TTY for the Deaf

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Ms. Krinetz
November 18, 2008
Page Two

add a note to the plat that only one shared pier may be constructed to serve the two proposed lots.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer
Natural Resource Planner

cc: AA 621-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 18, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Chesapeake Bay Foundation
Site Plan 08-0029-00-NC, G 02013402

Dear Mr. Burke:

I have received information regarding the above mentioned site plan for review. It appears from the plans that the applicant proposes to remove three existing houses, an existing pool and existing tennis courts, and to construct two new buildings with parking, a loop drive, a fire lane, and to construct a one-mile long pressure sewer line for treatment of the proposed development. The 5.56 acre property is designated as a Resource Conservation Area (RCA) and is currently developed with the structures as described above. The applicant has responded to some of this office's comments from my June 27, 2008 letter. I have outlined my remaining comments below:

1. The applicant's response to my June 27, 2008 letter clarifies that the proposed use of the property will be educational and most closely fits under the County's list of allowable uses of the RCA as a service organization, nonprofit charitable and philanthropic organization or institution, in the County Code § 18-13-206(35). We request that the County confirm that the proposed use is consistent with the service organization, nonprofit charitable and philanthropic organization or institution category of the Code's RCA use list.
2. The above described category of RCA use limits lot coverage to, "the lesser of 15% of the lot or 20,000 square feet." 20,000 square feet is the appropriate limitation in this case because it is less than 15% of the area of the property. While the applicant indicates that the proposed total lot coverage will be 20,000 square feet, it does not appear that this number includes the proposed 1,833 square foot pervious paver fire lane. While the use of environmentally sensitive building materials such as pervious pavers are encouraged by this office, pavers must still be included in the proposed lot coverage calculations. With the proposed fire lane, it appears that the total lot coverage on the property will be 21,833 square feet. Accordingly, the applicant must reduce the amount of lot coverage currently proposed by at least 1,833 square feet in order to comply with the County Code.

Further, we note that the applicant asserts that "the proposed fire lane will be constructed of reinforced grass or a[n] alternative product that meets the permeability requirements of the State and County products such as pervious concrete or pavement are being explored." It is unclear what this means. Anne Arundel County's Critical Area program does not contain a documented policy for allowing pervious paver products to be used in the LDA or RCA without the footprint of those surfaces counting as impervious surface for purposes of the 15% impervious surface limit prior to July 1, 2008. Further, as of July 1, 2008, Section 8, Ch. 119, 2008 Laws of Maryland at 765, revised the State Critical Area law such that "lot coverage" replaced the term "impervious surface." Lot coverage is defined as "the percentage of a total lot or parcel that is: occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any other manmade material." Therefore, the currently applicable lot coverage definition clearly requires any surface other than grass and mulch be counted as lot coverage for purposes of calculating whether the proposed development is under the 15% lot coverage limit. The only scenario in which a pervious paver product could be approved for use in development in the LDA or RCA without the resulting surface area counting as lot coverage would be if the County had a previously documented policy that exempted certain products, which it does not. Therefore, any surface that is used for the proposed fire lane must be counted toward the lot coverage totals.

3. Please have the applicant map and show on future plans the 100-foot Buffer as measured from the edge of tidal wetlands and waters based on a field delineated survey. This should be shown on both sides of the applicant's property to be redeveloped, as well as on the offsite property on which the proposed sewer line will be developed. The Buffer must be expanded where it is contiguous with hydric or highly erodible soils or slopes 15% or greater. Also, the limits of the tidal wetlands, nontidal wetlands and 25-foot nontidal wetland buffers should be shown on future plans.
4. The applicant has noted that an application to MDE for wetland disturbance will be submitted, even though impacts to the wetlands from the proposed sewer line will be avoided by directional drilling. Please include updates on the status of this permit application as it becomes available.
5. The applicant's latest plans indicate that there will be 25,055 square feet of existing forested area cleared outside the Buffer. Since this is more than 20% of the existing forested area on the property, reforestation mitigation plantings must be provided at a 1.5:1 ratio, which amounts to 37,583 square feet of required plantings. The applicant's materials indicate that the required reforestation mitigation will be provided onsite. Please indicate on future plans where this mitigation planting will be done. All mitigation planting areas should be placed in a conservation easement which should be shown on the plat and plans. Additionally, 80% of the existing forested area on the property should be placed in such an easement, or other protective instrument.
6. We note that the applicant has indicated that calculations will be forthcoming for the total area of disturbance within the 100-foot Buffer for the proposed coastal plain outfall. Please have the applicant provide these calculations and show the corresponding amount of mitigation

Mr. Burke
November 18, 2008
Page 3 of 3

plantings (required at a 2:1 ratio for the outfall disturbance from grading and clearing in the Buffer) on the requested mitigation planting plan. Also, please have the applicant confirm that the proposed outfall within the Buffer will not be providing any of the stormwater treatment that is required for the proposed development.

7. Please have the applicant provide a planting plan for any mitigation plantings that will be done onsite. This plan should include information about the number, size and species of plants that will be used to address the mitigation requirement. This office generally recognizes 100 square feet of planting credit per 2-inch caliper tree and 50 square feet of planting credit per seedling or shrub in a 3-5 gallon container. If a large tree is planted in a cluster with either two smaller trees or three shrubs, this office will recognize 400 square feet of planting credit for each cluster. We note that the applicant has included a landscape plan in the revised plans. However, it appears that this plan only shows proposed landscape plantings around the buildings and not the extent of the required mitigation plantings. Please provide a planting plan that identifies the location of the mitigation planting area.

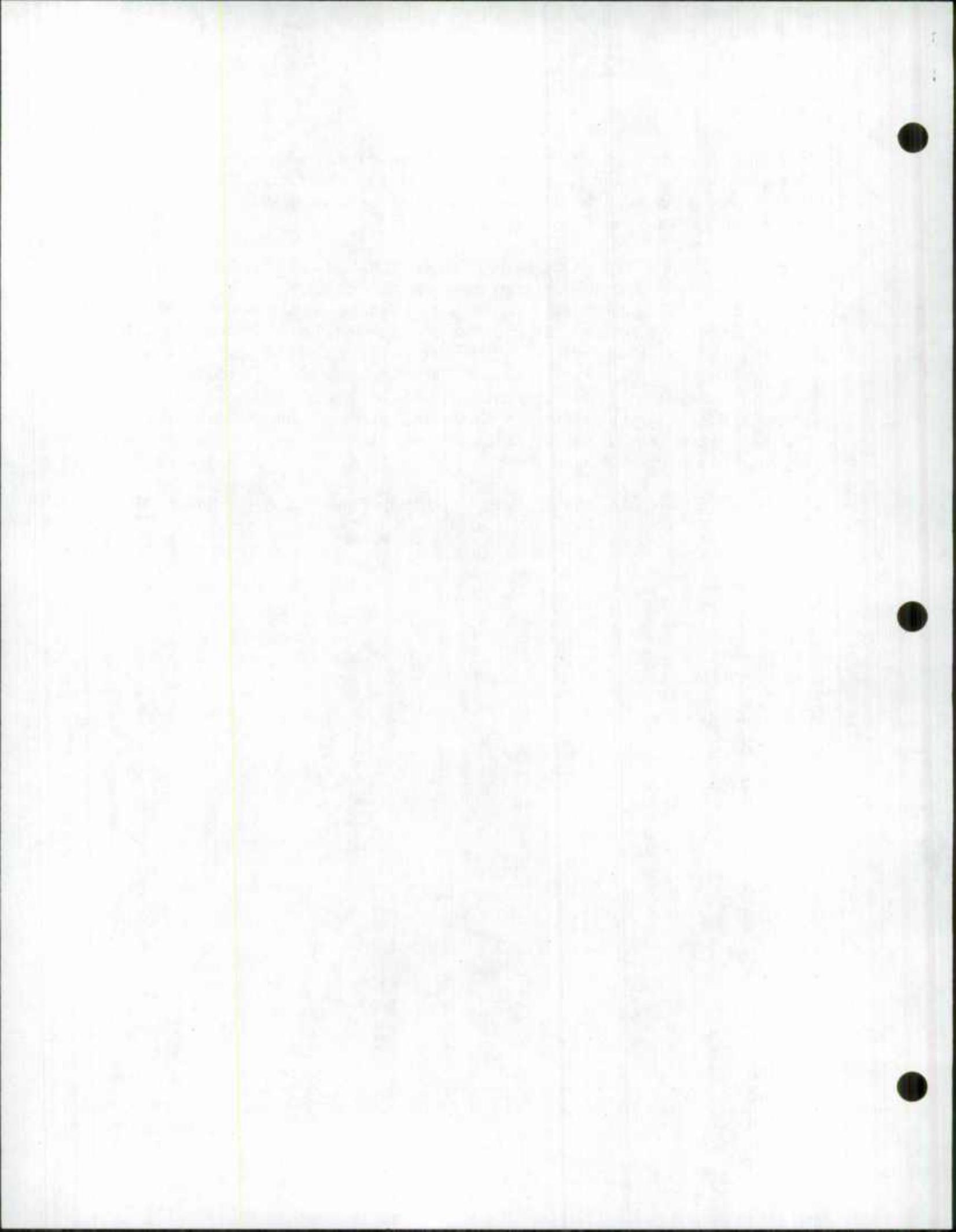
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 214-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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November 26, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Glen Burnie Crossing
S 80-213, P 07-0096-00-NF

Dear Mr. Burke,

Thank you for forwarding the above-referenced site plan for review. The applicant proposes to subdivide an undeveloped 31.8 acre property into three lots and to construct four commercial buildings and parking lots. 23.9 acres of the property are within the Critical Area with 8.5 acres classified as a Resource Conservation Area (RCA) and 15.4 acres classified as an Intensely Developed Area (IDA). The applicant has addressed most of this office's comments from my August 15, 2008 letter. I have provided my remaining comments below:

1. Several of the proposed plantings on the site are non-native species. We note that the property is located within four miles of the BWI Marshall Airport, and is consequently subject to the Maryland Aviation Administration's (MAA) guidelines for minimizing wildlife strike hazards near airports. To the extent that this it is possible to do so within the MAA's guidelines, we recommend that the applicant replace the proposed non-native species of plants with native plant species. A list of such species is available at <http://www.nps.gov/plants/pubs/chesapeake>.
2. On plan sheet 6 of 38 there appears to be an error under the Critical Area Notes section. The proposed clearing is identified as 115,900 square feet, while the Critical Area report and other materials indicate that the proposed clearing will be 15,900 square feet. Please correct this error.
3. There is conflicting information with reference to the required mitigation for the proposed clearing on sheet 6 of 38. Please have the applicant delete the line labeled as "Reforestation Required" under the Chesapeake Bay Critical Area Summary, since this indicates that 15,900 square feet is the required mitigation for the 15,900 square feet of clearing. The applicant has correctly identified the required mitigation ratios and resulting mitigation amounts in the RCA Mitigation Requirements table on the bottom of the same plan sheet.

Mr. Burke
November 26, 2008
Page Two

4. Please have the applicant quantify the portions of the drainage areas on-site that are within the Critical Area, as several of these drainage areas straddle the Critical Area line, and it appears that currently the total acreage of the drainage areas, and not only the Critical Area portion of these areas, has been provided.
5. Please have the applicant identify and quantify on the plans the offsite areas that were included in the 7.91 acres identified on worksheet B toward meeting the 10% pollutant reduction requirement.
6. We note that the applicant may calculate and include the additional treatment provided for drainage areas that are ultimately treated by more than one BMP using the BMPs in a series formula located in the Critical Area 10% Rule Guidance Manual, Section 7-9, #27. Please indicate whether this formula has been used in the 10% calculations in future submittals.
7. In order to minimize impacts to the Critical Area, we recommend that the applicant amend the plans to incorporate several of the comments submitted by the County in the Storm Drainage, and Stormwater Management sections of its September 4, 2008 Engineering & Utility Review. These comments are identified below:
 - P.2 of 5, B. 1, "Re-alignment of the proposed storm drains and up-sizing of the existing drains through the Ritchie Mini-Storage would result in elimination of the entire outfall to ES-1 and its associated impacts."
 - P.3 of 5, C. 4, "revise the discharge location from proposed Infiltration Basin #1, and re-align the storm drains as needed. Only one Site Outfall to Furnace Creek is necessary."
 - P.3 of 5, C.7, "The infiltration trench system designs are not acceptable. Flow must be pretreated prior to entering the main treatment trench."

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 394-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 26, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Carrollton Manor, Lots 49-51, Seerey Property

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced subdivision application. The applicant proposes to reconfigure two existing lots and to develop a new dwelling on each of the new lots. One of the existing lots is a 12,075 square foot lot consisting of three lots that have been merged, and the other is a 4,175 square foot grandfathered lot. The property is currently developed with a dwelling, driveway, two sheds, walkway, waterside deck, and pier. The property is designated as an Intensely Developed Area (IDA) and it is mapped as a Buffer Modification Area (BMA).

The Proposed Subdivision Should Not be Approved

This office can not support the approval of the proposed subdivision because its approval is dependent upon the receipt of two variances. The proposed lots are non-conforming with the County's current subdivision and Critical Area regulations in that they do not meet the minimum lot width requirement of 60 feet, and it does not appear that the proposed lots can be developed without a Critical Area variance to the County's Buffer Modification Area provisions.

Variances Should Not be Required for Creation or Development of New Lots

The applicant has already applied for and received a variance to the minimum 60-foot lot width requirement. Had this office received this variance application for review and comment, we would not have supported the granting of this variance. While many setback and lot width variances do not create Critical Area issues, this lot width variance raises a Critical Area concern in that it was required for the approval of a new subdivision in order to create two new lots in the Critical Area. The second lot, permitted by variance, creates an intensification of use at the shoreline within the Buffer, and within steep slopes, which would not otherwise be permitted. This office does not support variances that are required for the creation or development of newly proposed subdivisions.

Additionally, it appears that the proposed subdivision can not be developed without another variance which is a Critical Area variance to the County's Buffer Modification Area provision § 17-8-702(c)(1). This provision only allows redevelopment of existing impervious surface in the Buffer when reconstruction occurs on the same foundation or within the same footprint as previously existing development. The applicant proposes to remove the existing dwelling and to construct a new dwelling on each of the two proposed lots. It does not appear that this can be done within the footprint of the existing dwelling. Because the majority of the applicant's property is within the 100-foot Buffer, it does not appear that the proposed lots can be developed in the absence of a Critical Area variance to this BMA provision. As described above, this office would not support such a variance for development of newly created non-grandfathered lots.

The Proposed Subdivision Will Create Non-grandfathered Lots

This office typically does not oppose variance requests for development or redevelopment of grandfathered lots, provided the request is the minimum necessary for reasonable development of the property. While it may appear that the proposed lots will be grandfathered lots because the dividing lot line is the same as the original lot line which divided lots 50 and 51, they are in fact newly proposed lots which will lose their grandfathered status by the creation of the proposed new subdivision. Lots 50, 51, and 52 were merged by Anne Arundel County Code § 18-4-203(b) which provides that "contiguous lots under the same ownership that are separated by a boundary line upon or across which a principal use is located on or after September 25, 2003, merge by operation of law on that date." According to State property tax records, the existing dwelling which currently straddles the boundary lines between the three merged lots was constructed in 1959. Therefore, the dwelling was located on the boundary lines on September 25, 2003 and the lots merged on that date.

The only way that the existing lot line between lots 50 and 51 could be retained as a grandfathered lot line would be if lots 50 and 51 were unmerged. However, the lots can not be unmerged because they do not meet the County's requirements for unmerger. The lots are ineligible for unmerger under the County Code §§ 18-4-203(d)(2) & (3) because the lots do not "comply with the minimum area and dimensional requirements of the zoning district in which the lots are located in effect at the time of the unmerger," due to the fact that they do not meet the minimum 60-foot lot width requirement, and they were not "part of a subdivision approved on or after August 22, 1988." Anne Arundel County Code § 18-4-203(d)(2) & (3).

Anne Arundel County Code § 18-4-201(3) does specify that the merger and unmerger provisions "[do] not restrict the right of an owner of contiguous lots to subdivide the lots under Article 17." However, in this case, the lots are not able to be created in conformance with the subdivision provisions of Article 17 of the County's Code because they do not meet the minimum area and dimensional requirements of the zoning district. Therefore, the proposed lots can not maintain their grandfathered status as they are ineligible for unmerger, and instead, they would be newly created non-grandfathered

Ms. Krinetz
November 26, 2008
Page 3 of 3

proposed lots created through the subdivision process, with the granted lot width variance.

Variance Condition Prohibits Other Variances for Development of Proposed Lots

As described above, this office can not support the required variance to the County's BMA provisions to redevelop the proposed non-grandfathered lots. Further, Anne Arundel County's Hearing Officer placed a condition on the granted lot width variance that prohibits the issuance of any additional variances for development of the proposed lots, as follows: "No other variances are allowed in development of lots 49R and 51R [the proposed lots]. Therefore, the proposed subdivision should not be approved, because it can not be developed in the absence of an additional variance.

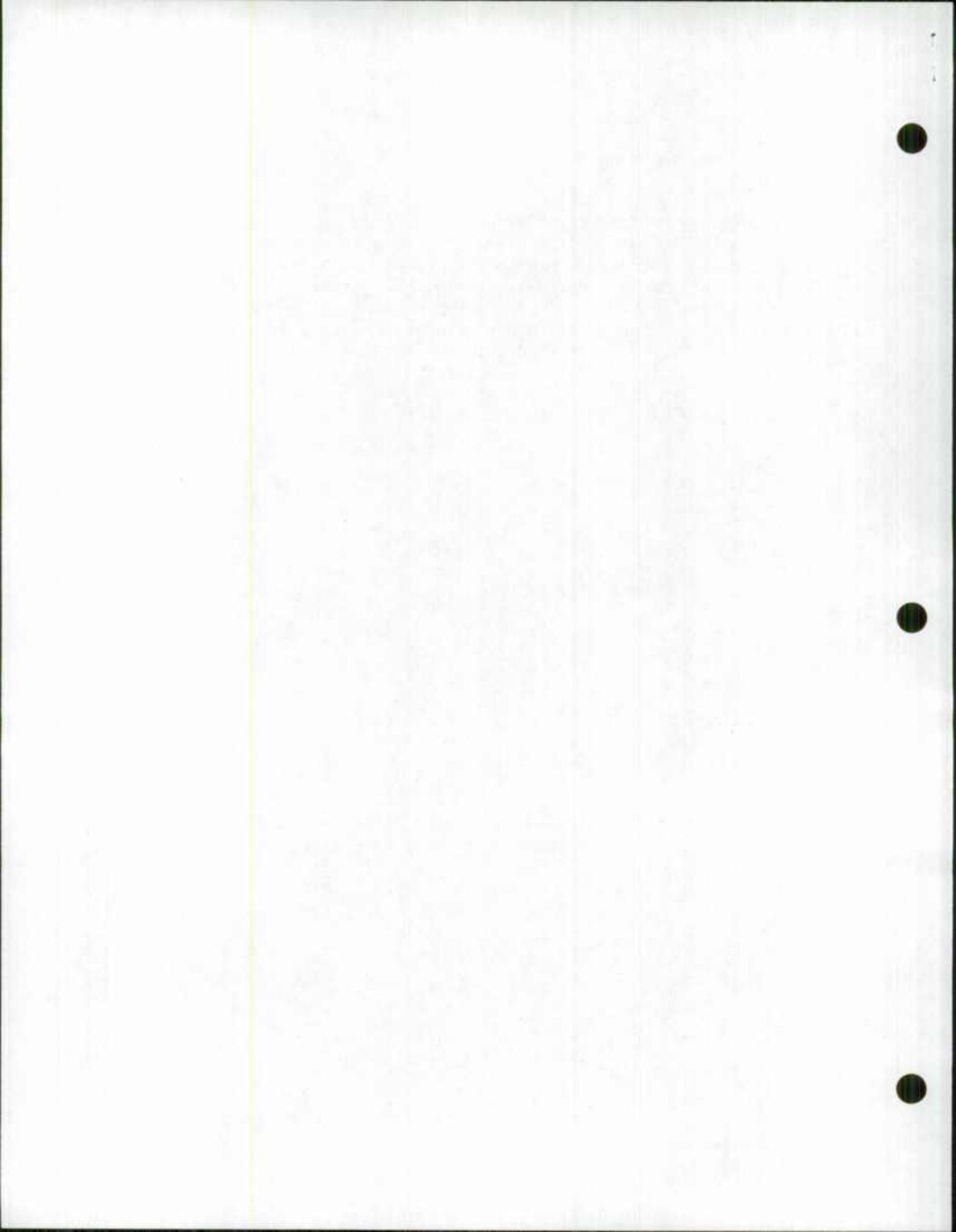
Thank you for the opportunity to provide comments.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 626-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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December 1, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Bay Ridge Consolidation Lots 38-40, Section 8
Modification # 8730R, S 1974-152, P 02-0164000F

Dear Ms. Krinetz:

Thank you for forwarding information regarding the above-mentioned proposed lot consolidation. The applicant proposes to combine three existing lots to create one 22,500 square foot lot. The property is within the Critical Area, is classified as a Limited Development Area (LDA) and is currently undeveloped. I have outlined my comments below.

- 1) If the requested lot consolidation is approved, this office recommends that the applicant include the following notation on the plat:
 - The property is in a Limited Development Area (LDA) and any proposed development of the property must be done in conformance with the LDA development requirements in the Anne Arundel County Critical Area program, including the 15% lot coverage limit, forest clearing limits and mitigation requirements, and the minimum 15% afforestation requirement.

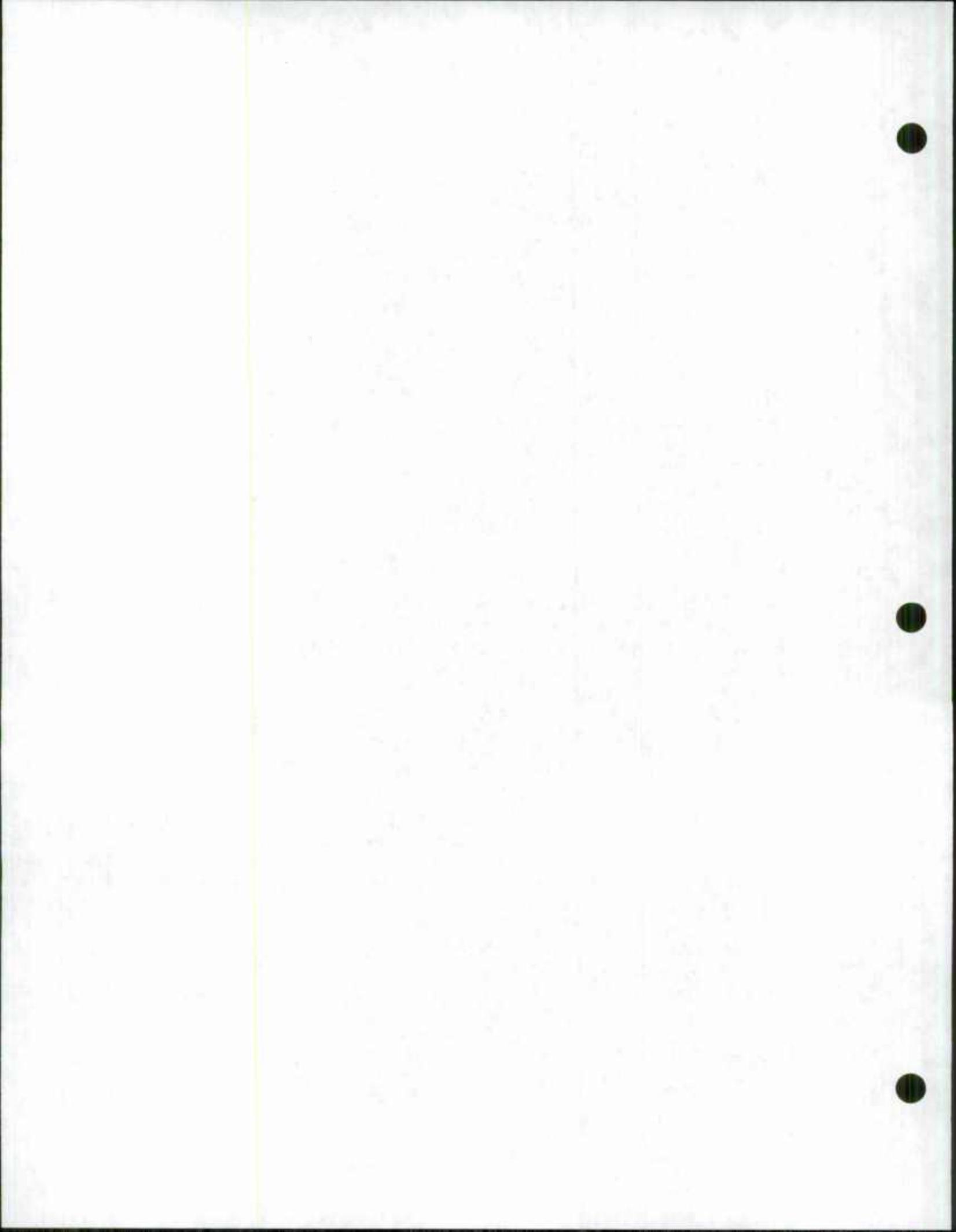
Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resource Planner

cc: AA 617-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 1, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: White Rocks Marina
C 08-006000NC

Dear Mr. Gerczak,

Thank you for forwarding the above-referenced revised site plan for review and comment. The applicant proposes to construct a deck on an existing restaurant on a 6.84 acre property that is currently developed as a marina. The deck will be located outside of the 100-foot Buffer and will be constructed over existing lot coverage. The property is within the Critical Area and is designated as a Limited Development Area (LDA).

Previously, this office provided a comment letter stating that construction of the proposed deck would not raise any Critical Area concerns, due to the fact that the deck will be constructed over existing lot coverage and outside of the 100-foot Buffer. However, we note that the revised plan now shows that the proposed deck will be constructed on slopes 25% or greater. Even though it appears that this slope is already developed as lot coverage, Anne Arundel County's Critical Area Program §17-8-201 prohibits development in the LDA within slopes 15% or greater unless development will facilitate stabilization of the slope or the disturbance is necessary to allow connection with a public utility. It does not appear that the proposed deck is necessary for stabilization of the slope, or for allowing connection with a public utility. Therefore, the County may require the applicant to receive a variance to the County Code for construction of the proposed deck.

Additionally, as noted in our previous comment letter, the existing footprint of lot coverage on the property exceeds the LDA 15% limit and the marina was developed prior to the County's implementation of its Critical Area program. While it does not appear that the proposed deck will create new lot coverage or alter the existing footprint of lot coverage on the property, we note that if the property is redeveloped in the future such that the footprint of lot coverage is increased or altered, the property must come into compliance with the lot coverage requirement to the extent feasible at that time.



Mr. Gerczak
December 1, 2008
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 467-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 5, 2008

Ms. Diane Ditzel
MD State Highway Administration
OPPE- Environmental Planning Division
707 N. Calvert Street, Mail Stop C-301
Baltimore, MD 21202

Re: Project No. 23807
MD 468 over Johns Creek
Bridge No. 02017X0
Anne Arundel County

Dear Ms. Ditzel:

Thank you for forwarding a description of the above mentioned project. The purpose of the project is to complete paved invert repairs to the existing bridge, which may include placing riprap or grout bags at the outlet of the structure, repairing spalls in headwalls with mortar, and repointing stone headwalls and sealing cracks in the inlet/outlet flume with grout. The project site is within the Critical Area and because it is within the existing State right of way, is designated as an area that is Intensely Developed.

While the proposed project may be eligible for general approval under the 2003 Memorandum of Understanding between the Maryland Department of Transportation and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (MOU), because the project appears to meet the general conditions for general approval as well as the definition of a routine maintenance project under the MOU, we need additional information regarding the proposed work in the Critical Area prior to making this determination. Additional information should address whether the proposed footprint of the riprap or grout bags is within the 100-foot Buffer, whether there is currently some form of development within the proposed footprint of the riprap or grout bags, and if so, whether the proposed footprint of the riprap or grout bags will exceed the current footprint of that development.

Also, it appears that the project site may be within or in close proximity to a nontidal wetland or

Ms. Ditzel
December 5, 2008
Page 2 of 2

its 25-foot buffer. Please indicate whether any impacts to nontidal wetlands or their buffers are required for the proposed work, and if so, whether an MDE permit has been obtained for these impacts.

Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: 56-08 DOT SHA

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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December 5, 2008

Ms. Adriene Stiffler
MD State Highway Administration
OPPE- Environmental Planning Division
707 N. Calvert Street, Mail Stop C-301
Baltimore, MD 21202

Re: Project No. WI649B21
US 13 Bus. Over US 50 Bus.
SHA Bridge No. 22026
Wicomico County

Dear Ms. Stiffler:

Thank you for forwarding the plans for the above mentioned project. The purpose of the project is to maintain the existing bridge by replacing the superstructure and raising the underclearance of the bridge. Also in conjunction with this bridge maintenance work, the roadway drainage, traffic signals and sidewalks will be upgraded, and US 13 Business will be elevated in the area of the bridge. The project site is within the Critical Area and because it is within the existing State right of way is designated as an Intensely Developed Area (IDA).

This office has determined that the proposed project may be eligible for general approval under the 2003 Memorandum of Understanding between the Maryland Department of Transportation and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (MOU), because it appears that the project meets the general conditions for general approval as well as the definition of a routine maintenance project under the MOU. In order for this office to provide a determination that the project is eligible for general approval as a routine maintenance project under the MOU, please provide additional information about the drainage improvements that will be done in conjunction with this project. Such information should include details about the current drainage facilities in place, the drainage areas captured by the current and proposed drainage methods, as well as specifications of the proposed drainage improvements.



Ms. Stiffler
December 5, 2008
Page 2 of 2

Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: 51-08 DOT SHA

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 5, 2008

Ms. Diane Ditzel
MD State Highway Administration
OPPE- Environmental Planning Division
707 N. Calvert Street, Mail Stop C-301
Baltimore, MD 21202

Re: I-97 Stormwater Management
Facilities Functional Upgrades
Anne Arundel County

Dear Ms. Ditzel:

Thank you for forwarding a description of the above mentioned project. The purpose of the project is to complete paved invert repairs to the existing bridge, which may include placing riprap or grout bags at the outlet of the structure, repairing spalls in headwalls with mortar, and repointing stone headwalls and sealing cracks in the inlet/outlet flume with grout. The project site is within the Critical Area and because it is within the existing State right of way, is designated as an area that is Intensely Developed.

While the proposed project may be eligible for general approval under the 2003 Memorandum of Understanding between the Maryland Department of Transportation and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (MOU), because the project appears to meet the general conditions for general approval as well as the definition of a routine maintenance project under the MOU, we need additional information regarding the proposed work in the Critical Area prior to making this determination. Additional information should address whether the proposed footprint of the riprap or grout bags is within the 100-foot Buffer, whether there is currently some form of development within the proposed footprint of the riprap or grout bags, and if so, whether the proposed footprint of the riprap or grout bags will exceed the current footprint of that development.

Also, it appears that the project site may be within or in close proximity to a nontidal wetland or its 25-foot buffer. Please indicate whether any impacts to nontidal wetlands or their buffers are

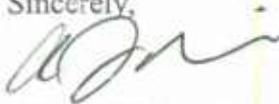


Ms. Ditzel
December 5, 2008
Page 2 of 2

required for the proposed work, and if so, whether an MDE permit has been obtained for these impacts.

Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: 56-08 DOT SHA

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 5, 2008

Ms. Diane Ditzel
MD State Highway Administration
OPPE- Environmental Planning Division
707 N. Calvert Street, Mail Stop C-301
Baltimore, MD 21202

Re: Project No. AA410A21
MD 3 Business: From Jackson Ave. to Sawmill Creek
Drainage Improvements
Anne Arundel County

Dear Ms. Ditzel:

Thank you for forwarding a description of the necessary amendment to the above mentioned project which was approved by the Commission on November 5, 2008. The proposed project amendment includes relocating an existing water line within the roadway of MD 3 Business. I understand that the water pipe realignment is necessary due to a conflict in the location of the existing water line and the location of the new stormdrain pipe. The project site is within the Critical Area and because it is within the existing State right of way, is designated as an area of Intense Development.

This office has determined that the proposed project amendment is eligible for general approval under the 2003 Memorandum of Understanding between the Maryland Department of Transportation and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (MOU). We will include this information as an amendment to the Commission approved drainage improvements project.

Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer

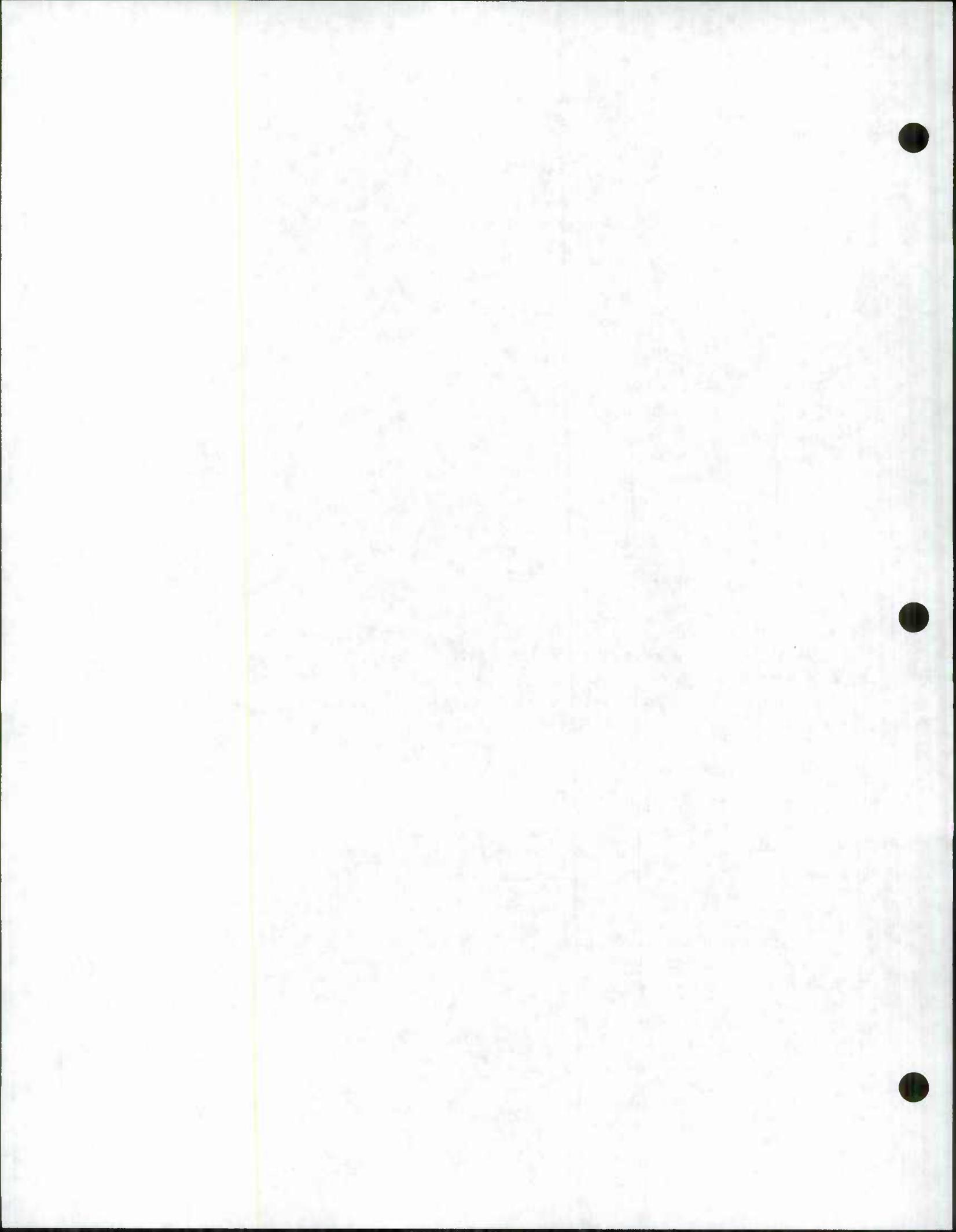
Natural Resources Planner

cc: 56-08 DOT SHA

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450





Martin O'Malley
Governor

Anthony G. Brown
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Ren Serey
Executive Director

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December 5, 2008

Ms. Kristi Hewlett
MD State Highway Administration
OPPE- Environmental Planning Division
707 N. Calvert Street, Mail Stop C-301
Baltimore, MD 21202

Re: I-97 Stormwater Management
Facilities Functional Upgrades
Anne Arundel County

Dear Ms. Hewlett:

Thank you for forwarding a description of the above mentioned project. The purpose of the project is to remove existing stormwater management facilities and replace them with new stormwater management facilities. It appears that the project sites for the replacement of the stormwater management facilities, known as best management practices (BMPs) Nos. 2210 and 2211 are within the Critical Area and are designated as an area of Intense Development since it appears that the sites will be within the existing State right of way.

It is unclear based on the submitted project information whether the proposed BMP replacements are eligible for general approval under the 2003 Memorandum of Understanding between the Maryland Department of Transportation and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (MOU). In order for this office to provide a determination that the project is eligible for general approval as a routine maintenance project under the MOU, please provide additional information about the proposed work within the Critical Area as follows:

- a site plan showing the limits of disturbance for the BMP replacement projects
- whether any tree clearing will be necessary for the proposed project
- a letter of review from the Maryland Department of Natural Resources' Wildlife and Heritage Service indicating whether the project will impact any protected species
- whether the limits of disturbance for either project site are within the 100-foot Buffer
- information about the nature and location of the existing BMPs



Ms. Hewlett
December 5, 2008
Page 2 of 2

- whether the footprint of the proposed BMPs will exceed that of the existing BMPs
- whether the proposed project will require disturbance within tidal or nontidal wetlands or their buffers, and whether any necessary MDE permits have been obtained

For your convenience, I have included the project application checklist for State agency actions. Please ensure that future submittals contain all information on the checklist that is applicable to this project. This will help to facilitate Commission staff's determination of the project's eligibility under the MOU.

Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: 62-08 DOT SHA

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 5, 2008

Ms. Sally Nash
City of Annapolis
Department of Planning and Zoning
145 Gorman Street
Annapolis, Maryland 21401

Re: Monticello Ave. Park
Consistency Report

Dear Ms. Nash:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The City Department of Public Works is proposing to replace 100 square feet of deteriorating brick pavers with new brick pavers, and to provide 250 square feet of Buffer plantings. Additionally, 50 square feet of bamboo will be removed in conjunction with the project. The project site is within the Critical Area and is designated as an Intensely Developed Area (IDA) and mapped as a Buffer Exemption Area (BEA). The project will not create any new impervious surface area.

We concur that the proposed project is consistent with the City of Annapolis' Critical Area Program and will therefore require no further Commission review or action.

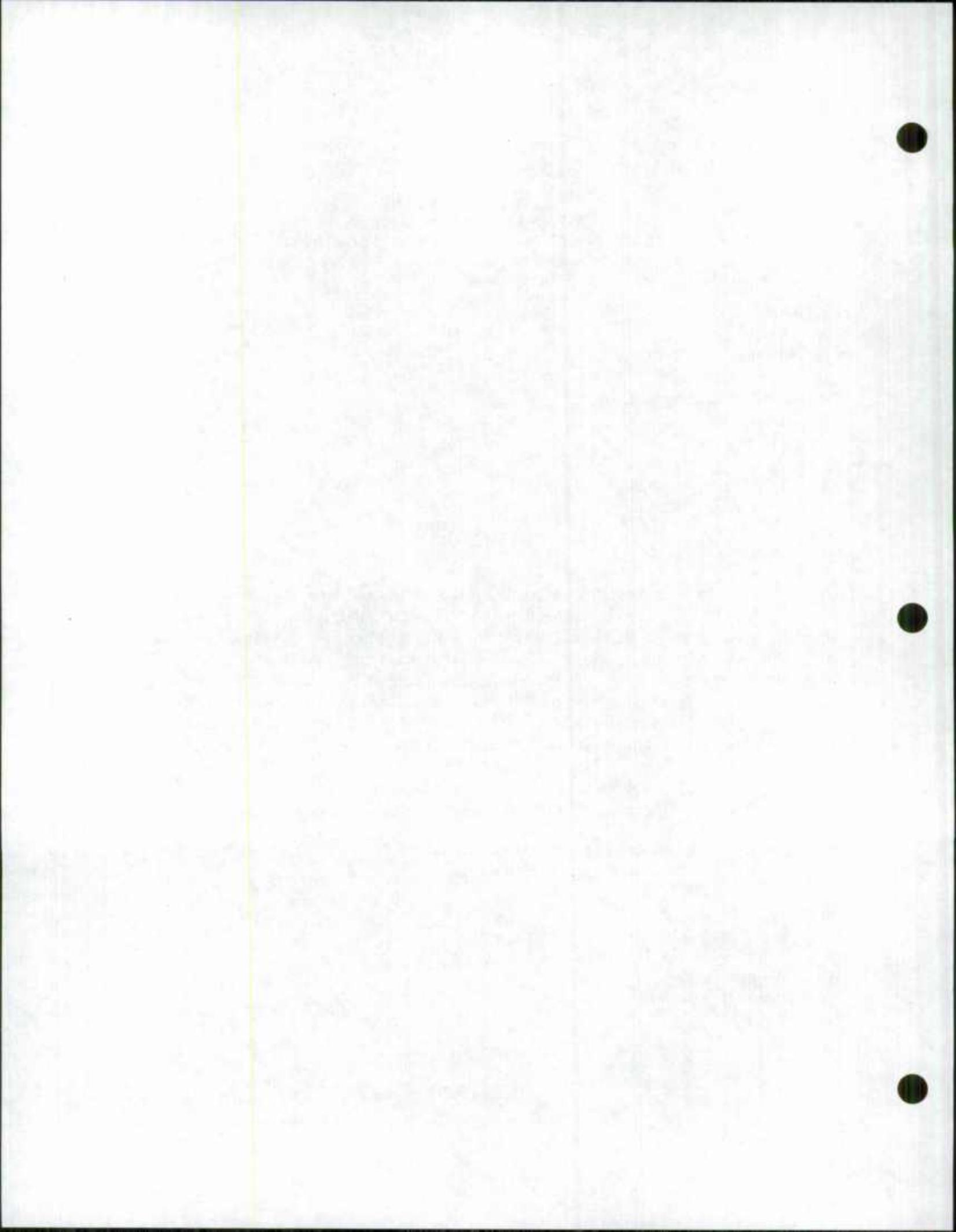
We appreciate the opportunity to provide comments on this development proposal. If you have any questions, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "AWidmayer".

Amber Widmayer
Natural Resources Planner
cc: AN 667-08





Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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December 8, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Gutsche, Graham Property
S 08-034, P 08-007600-NM

Dear Ms. Krinetz:

Thank you for forwarding the revisions to the above-referenced revised application. The applicant proposes to subdivide an existing lot into two, to retain the existing dwelling on one lot and to construct a new dwelling, driveway and septic system on the other lot. The 2.27 acre property is in the Critical Area, it is designated as a Limited Development Area (LDA) and it is currently developed with a dwelling, driveway, shed, and deck. The applicant has addressed most of this office's comments from my June 20, 2008 letter. I have outlined my remaining comments below:

1. It does not appear that the Buffer has been expanded properly. Anne Arundel County Code § 18-13-104 specifies, "if there are contiguous slopes of 15% or greater, the Buffer shall be expanded by the greater of four feet for every 1% of slope or to the top of the slope and **shall include all land within 50 feet of the top of the slopes.**" Instead, it appears that the applicant has only shown a 25-foot buffer from the top of the slopes that are 25% or greater. It appears that once the Buffer is properly expanded, there will not be enough room to develop a dwelling on the proposed lot outside of the expanded Buffer, and that development of the proposed lot will require a variance for disturbance within the expanded Buffer. This office will not support variances for development on newly created non-grandfathered lots because a subdivision to create new lots should only be permitted if the resulting lots can be developed in conformance with Anne Arundel County's current regulations. If the proposed subdivision can not be developed without variances, then the County should not approve the subdivision.

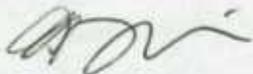


2. We note that the applicant proposes to construct a driveway consisting of two drive strips to access proposed lot 2RB. In the past, this office has recommended against allowing such drive strips where they are proposed instead of a standard driveway on a property in order to stay below the 15% lot coverage limit. However, in this case the proposed lot coverage for the subdivision is well under the 15% limit, and it does not appear that future redevelopment of the proposed drive strips into a standard driveway will result in a lot coverage footprint in excess of this 15% limit. Therefore, this office finds that the proposed drive strips are an acceptable and environmentally sensitive alternative to construction of a standard driveway in this subdivision.
3. As requested, the applicant has shown on the revised plans the location of proposed planting areas on the property. However, it does not appear that the acreage of this planting area has been provided. The applicant must provide at least 4,250 square feet of plantings to meet the 1:1 reforestation mitigation requirement, and we recommend that this planting area be placed in an easement to ensure that the plantings will not be disturbed in the future. Please have the applicant provide the acreage of the proposed planting area, information about how any remaining planting requirement will be addressed, and show that the proposed planting area will be protected in perpetuity.
4. We note that despite the plat note that restricts any buildings or permanent physical objects from being located within the proposed 10,000 square foot septic areas, there is a patio, shed and deck with a covered shelter located within this area on proposed lot 2RA. We question whether the presence of such development within a septic area is in conflict with the septic area restrictions noted on the plat.
5. There are inconsistent calculations on the plat and plans with reference to the size of the property, and the existing forested area. The plat shows that the property is 156,140 square feet with 98,360 square feet of existing forested area, while the plans indicate that the property is 98,841 square feet and do not provide information about the existing forested area. Please have the applicant provide the correct acreages of the property, the proposed lots, and the existing forested area on the property.
6. We note that only one of the proposed lots, lot 2RB, is proposed as a riparian lot. To clarify for future property owners that this is the case, we recommend that the applicant include a note on the plat and plans stating that there is only one riparian property right associated with this subdivision, and consequently, no more than one pier may be constructed within this subdivision.

Ms. Krinetz
December 8, 2008
Page 3 of 3

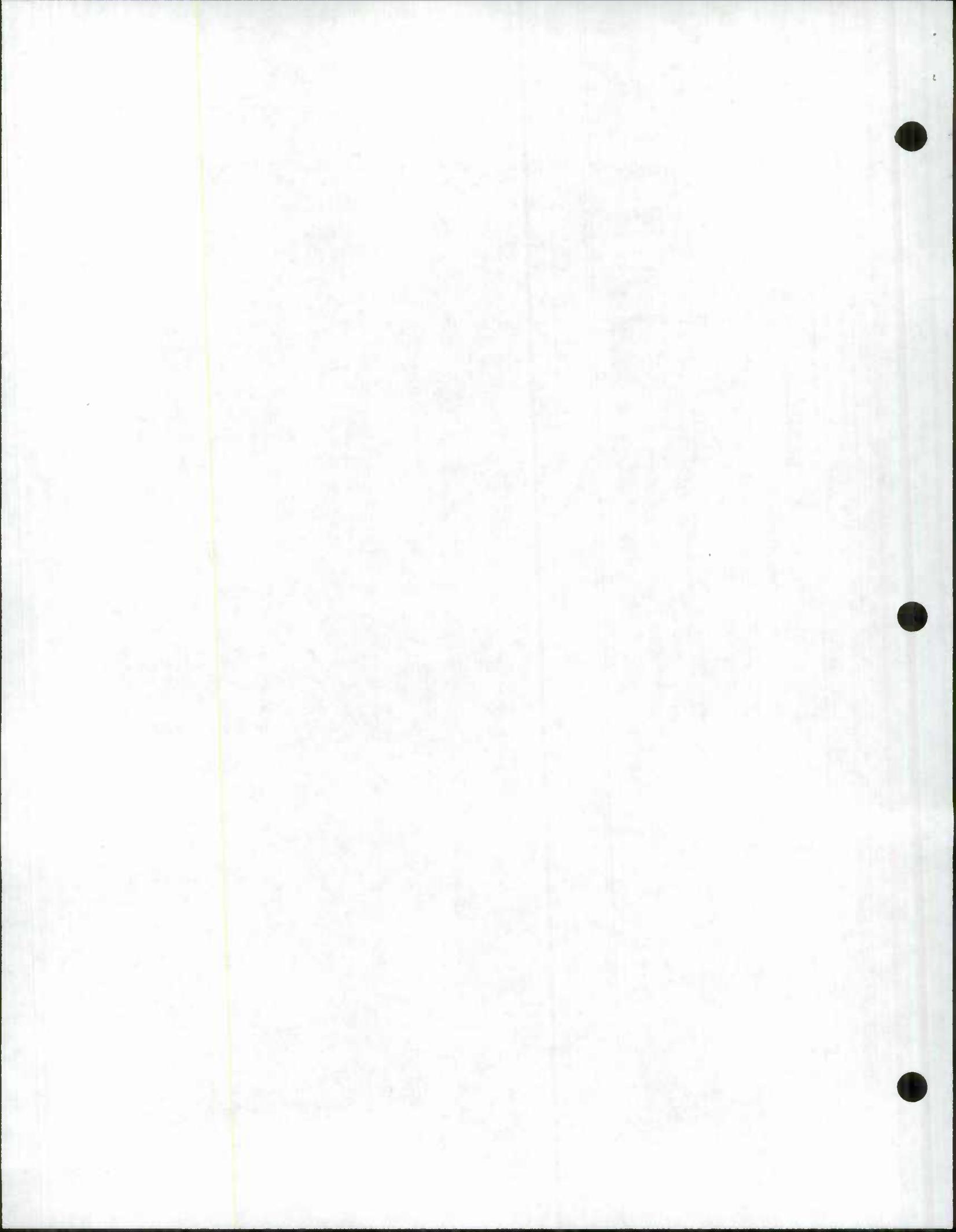
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 274-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
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December 8, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Kaweck Property near Dreams Landing
S 08-063, P 08-0150-00NM

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced subdivision application. The applicant proposes to subdivide an existing 1.98 acre lot into three lots, to retain the existing single family dwelling, and to construct a new single family dwelling, driveway and septic system on each of the two new lots. The property is within the Critical Area and is designated as a Limited Development Area (LDA). I have outlined my comments on the proposed subdivision below:

1. COMAR 27.01.02.04.C.3 requires that when forest and developed woodlands in the LDA are altered, that 80% of the existing forest cover be maintained through the use of appropriate instruments, such as conservation easements that are recorded with the County. Therefore, the applicant must show on the plans that 80% of the existing forested area on the property will be placed in a conservation easement. Please have the applicant show the acreage and the location of this easement area on future plans.
2. Please have the applicant provide either a planting plan or other information showing how the reforestation mitigation requirement will be addressed for the proposed 8,892 square feet of clearing. As this amount of clearing is less than 20% of the existing forested area on the property, the mitigation ratio is 1:1. We note that the applicant's plans indicate that clearing up to 30% of the existing forested area is allowed, which is incorrect. Clearing more than 20% of the existing forested area is not allowed without County approval. Please have the applicant correct or remove this note on the plans accordingly.



Ms. Krinetz
December 8, 2008
Page Two

3. There is a note on the plans that refers to the possible reconfiguration of the proposed "impervious surfaces" on the plan at the time the property is developed. Please have the delete the references to "impervious surface" and replace them with the now applicable "lot coverage" language.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: AA 631-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 12, 2008

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Suit- MSD-06-34-32-Intrafamily Transfer

Dear Ms Vidotto:

Thank you for providing revised information regarding the above referenced proposed intrafamily transfer subdivision. The applicant proposes to create three new lots in the Critical Area with two residue parcels from an existing parcel. The property consists of two non-contiguous sections within one existing parcel with 37.03 acres that are within the Critical Area. The property within the Critical Area is designated as a Resource Conservation Area (RCA). The applicant has addressed this office's comments from my July, 10 2008 letter and this office has no remaining comments on the proposed subdivision at this time. If revisions are made to the currently proposed subdivision plat are made, additional review and comment will be necessary.

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3481 if you have any questions.

Sincerely,

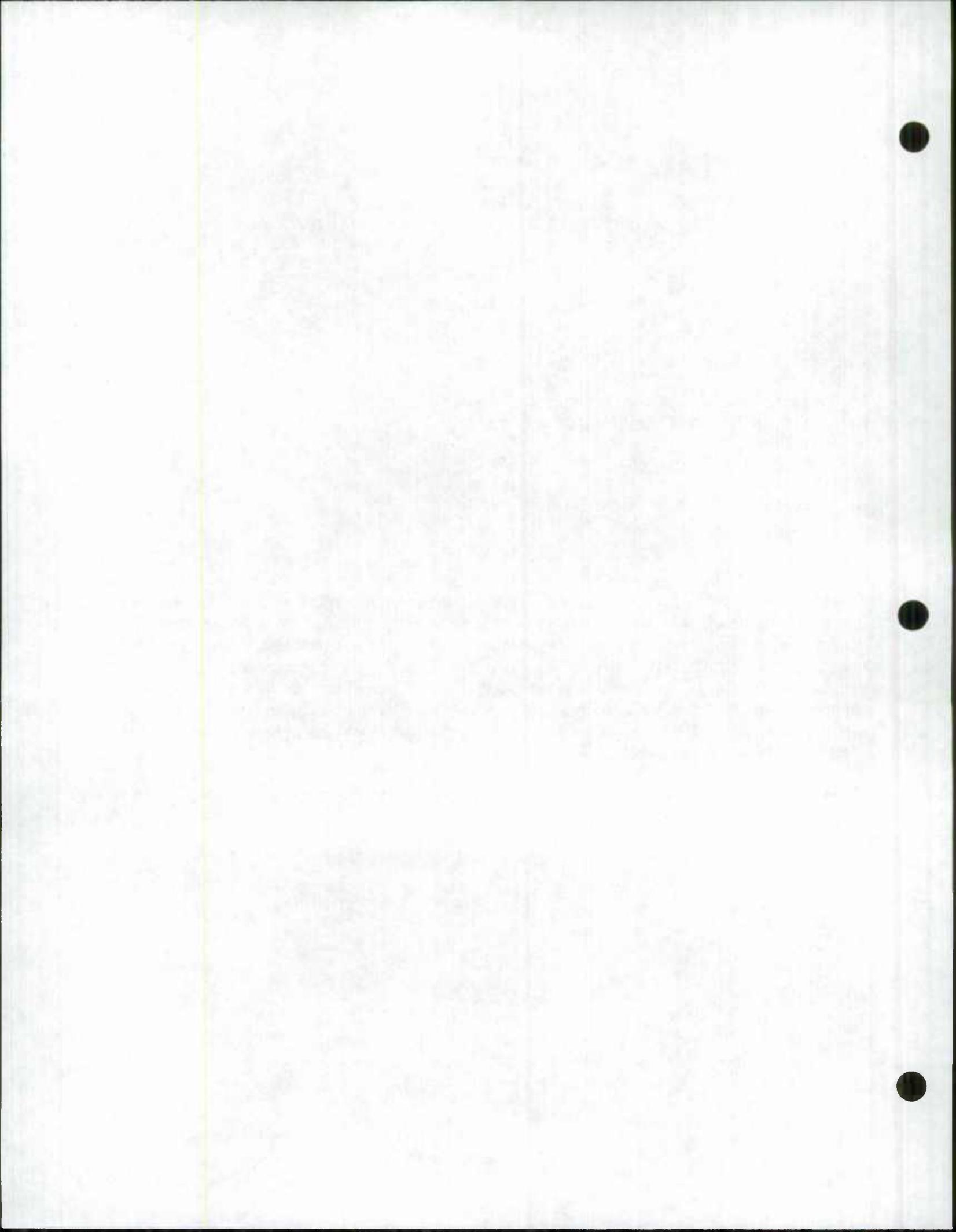
A handwritten signature in cursive script, appearing to read "AW", written in dark ink.

Amber Widmayer
Natural Resource Planner
CA 424-07

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450





Martin O'Malley
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December 15, 2008

Ms. Kelly Krinetz
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Sahlin Estates
S 98-091, P 08-0098-00-NP

Dear Ms. Krinetz:

Thank you for forwarding information about the above-referenced revised subdivision application. The proposed project is the subdivision of a 126 acre property to create seven lots with portions of five lots in the 86.7 acres that are within the Critical Area and designated as a Resource Conservation Area (RCA). Because it does not appear that anything in the submitted revised materials raise any Critical Area issues and because it does not appear that the proposed subdivision plans have changed since this office confirmed that the applicant had addressed all of our comments in our December 21, 2006 letter, we have no comments on the most recently submitted materials. If future revisions are made to the subdivision plans, please forward them to this office for review.

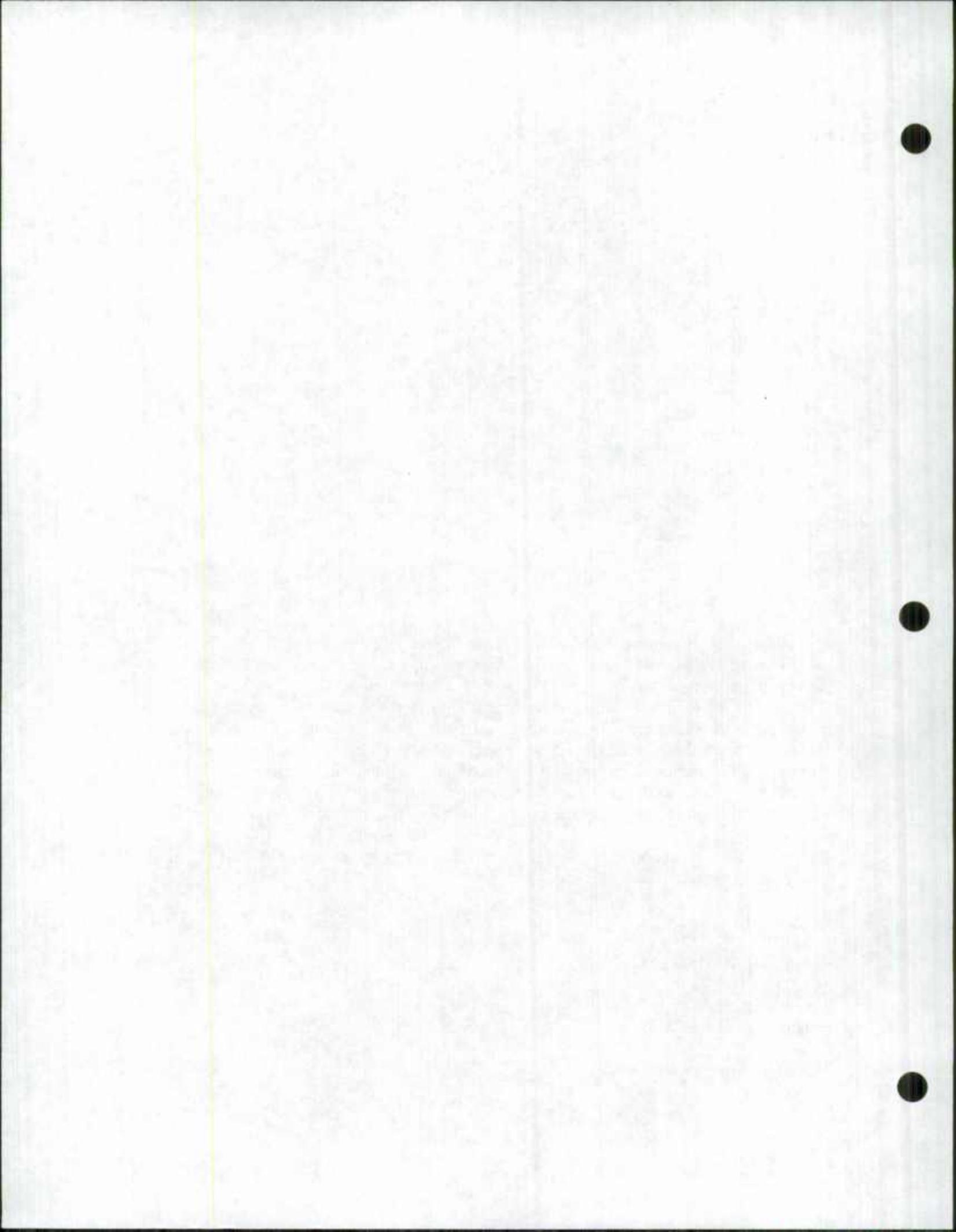
Thank you for the opportunity to comment. Please contact me at (410) 260-3481 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "AW", written in dark ink.

Amber Widmayer
Natural Resources Planner

cc: AA 63-06, AA 434-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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MEMORANDUM

To: Marti Sullivan, Program Open Space

cc: Kelly Krinetz, Anne Arundel County

From: Amber Widmayer *AW*

Date: December 15, 2008

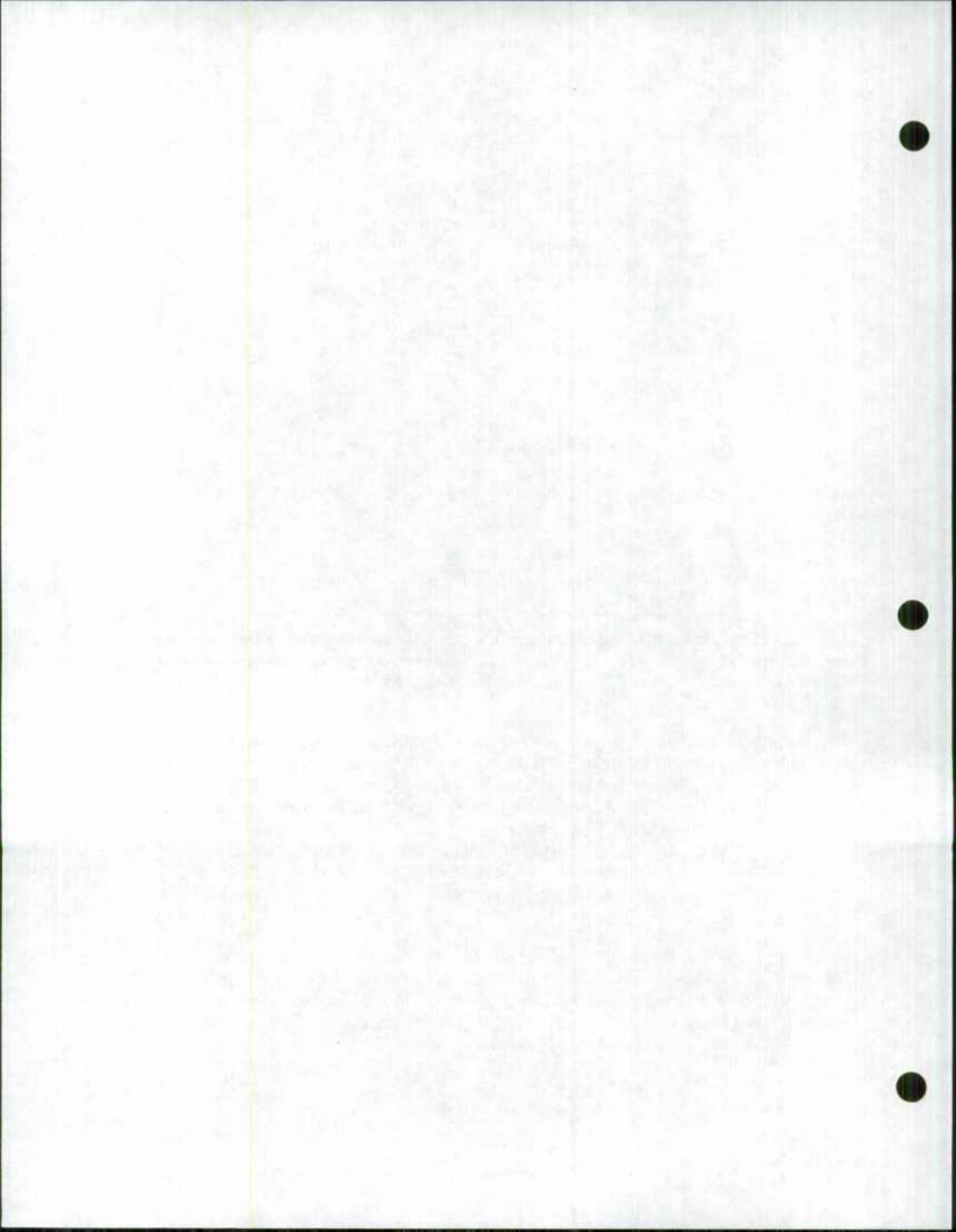
RE: POS Project #5524-2-258, Fort Smallwood Park-Weinberg Park Property,
Anne Arundel County

This office has received the Clearinghouse review notice for the above-referenced project. The notice states that the purpose of the project is to develop restrooms, barrack/visitor's center upgrades, pathways, guardrails, fencing and a memorial flagpole on the 9 acre parcel to be acquired.

The majority of the nine acre property identified in the project materials is within the Critical Area and is designated as a Resource Conservation Area (RCA). It is unclear to what extent the above-referenced proposed development activities will be located within the RCA on this property. Any development that is done within the RCA portion of the property must meet the State Critical Area Program requirements for development within an RCA, including the 15% lot coverage limit, forest clearing limitations, 15% minimum forest cover, and allowable uses within the RCA. These requirements are determined based on the total area of the property that is within the RCA and the criteria for development outlined within the Anne Arundel County Critical Area Program.

If the property will be held by the State, the proposed development activities must be approved by the full Commission. We recommend that the planning of the proposed development projects be coordinated with Commission staff as soon as possible to make sure that any Critical Area issues are adequately addressed. Thank you for the opportunity to review this proposal. If you have any questions, please call me at 410-260-3481.





Martin O'Malley
Governor

Anthony G. Brown
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Margaret G. McHale
Chair

Ren Serey
Executive Director

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MEMORANDUM

To: Marti Sullivan, Program Open Space

cc: Kelly Krinetz, Anne Arundel County

From: Amber Widmayer *AW*

Date: December 15, 2008

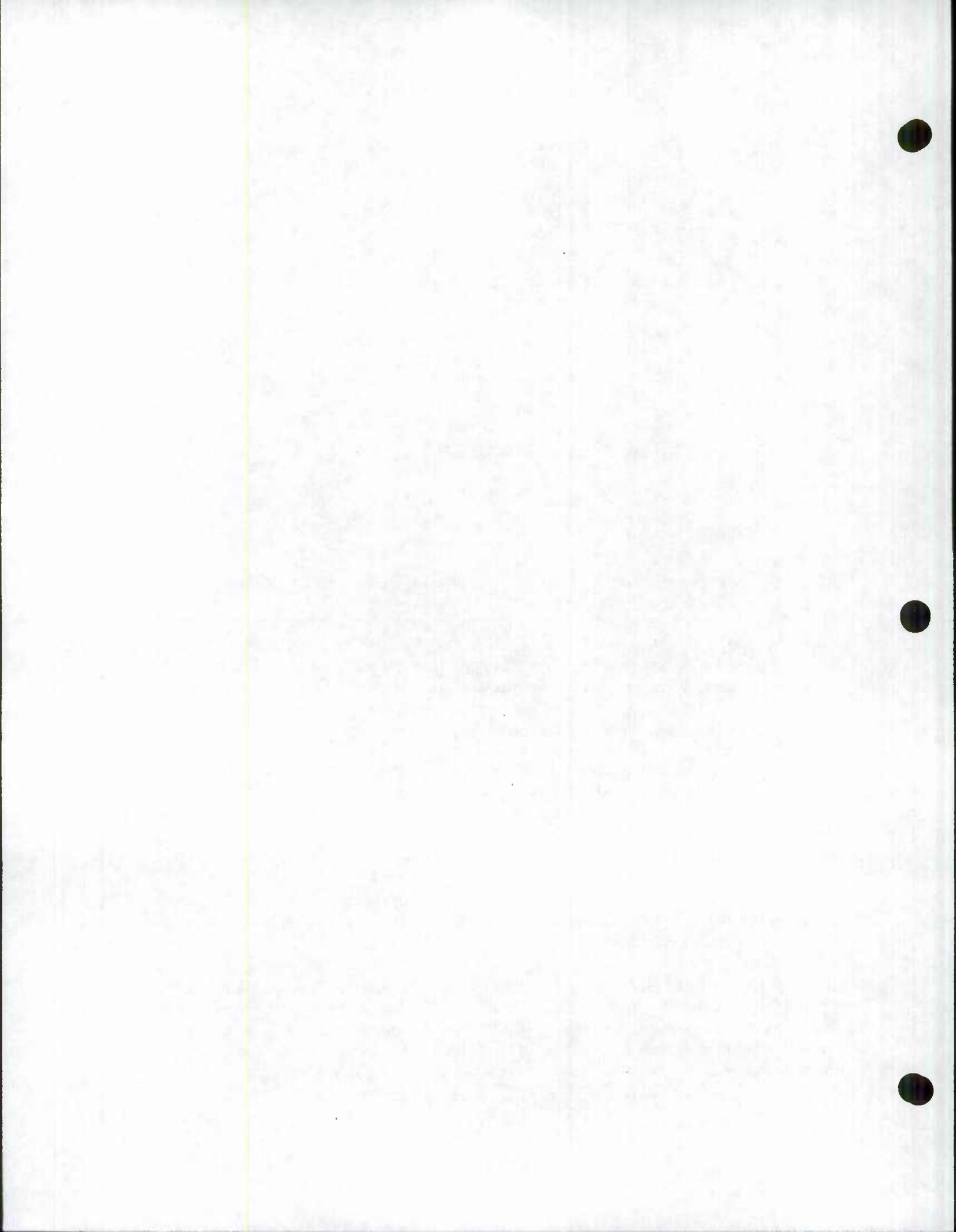
RE: POS Project #5526-2-260, Fort Smallwood Park-Curtis Bay Property,
Anne Arundel County

This office has received the Clearinghouse review notice for the above-referenced project. The notice states that the purpose of the project is to acquire the 9 acre parcel to connect Fort Smallwood Park to Weinberg Park. The notice also states that the master plan for the two parks includes a double boat ramp, a visitor's center, a dog beach, a nature center, a canoe launch, a disc golf area and extensive paths and nature trails.

It appears that the majority of the property is within the Critical Area and is designated as a Resource Conservation Area (RCA). It is unclear to what extent the proposed development included in the parks' master plan will be done within the parcel proposed for acquisition with this project. However, any development that is done within the RCA portion of the property must meet the State Critical Area Program requirements for development within an RCA, including the 15% lot coverage limit, forest clearing limitations, 15% minimum forest cover, and allowable uses within the RCA. These requirements are determined based on the total area of the property that is within the RCA and the criteria for development outlined within the Anne Arundel County Critical Area Program.

If the property will be held by the State, any future development that is proposed within the Critical Area portion of the property must be approved by the full Commission. We recommend that if any such projects are proposed, implementation be coordinated with Commission staff at an early stage to make sure that any Critical Area issues are adequately addressed. Thank you for the opportunity to review this proposal. If you have any questions, please call me at 410-260-3481.





Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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MEMORANDUM

To: Marti Sullivan, Program Open Space

cc: Kelly Krinetz, Anne Arundel County

From: Amber Widmayer *AW*

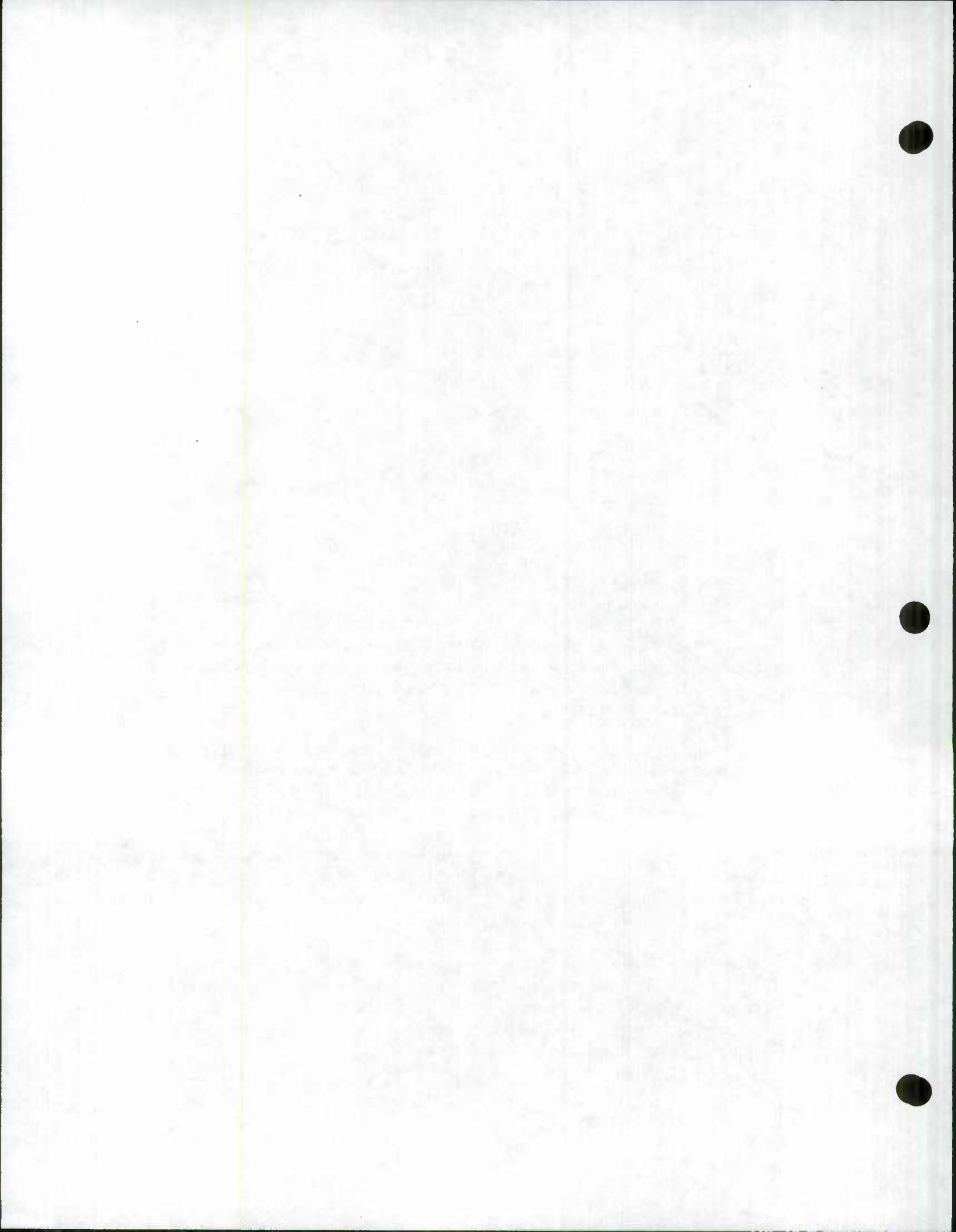
Date: December 15, 2008

RE: POS Project #5529-2-262, Bayhead Park Acquisition,
Anne Arundel County

This office has received the Clearinghouse review notice for the above-referenced project. The notice states that the purpose of the proposed acquisition of the 15.3 acre parcel to be added to the existing 24 acre Bay Head Park is to allow for future park expansion and to accommodate a section of the Broadneck Peninsula Trail.

The northwestern and southwestern edges of the above-referenced parcel are within the Critical Area and designated as a Resource Conservation Area (RCA). It is unclear to what extent the above-referenced proposed development activities will be located within the RCA on this property. Any development that is done within the RCA portion of the property must meet the State Critical Area Program requirements for development within an RCA, including the 15% lot coverage limit, forest clearing limitations, 15% minimum forest cover, and allowable uses within the RCA. These requirements are determined based on the total area of the property that is within the RCA and the criteria for development outlined within the Anne Arundel County Critical Area Program.

If the property will be held by the State, the proposed development activities must be approved by the full Commission. We recommend that the planning of the proposed development projects be coordinated with Commission staff as soon as possible to make sure that any Critical Area issues are adequately addressed. Thank you for the opportunity to review this proposal. If you have any questions, please call me at 410-260-3481.



Martin O'Malley
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Margaret G. McHale
Chair

Ren Serey
Executive Director

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MEMORANDUM

To: Marti Sullivan, Program Open Space

cc: Kelly Krinetz, Anne Arundel County

From: Amber Widmayer *AJW*

Date: December 15, 2008

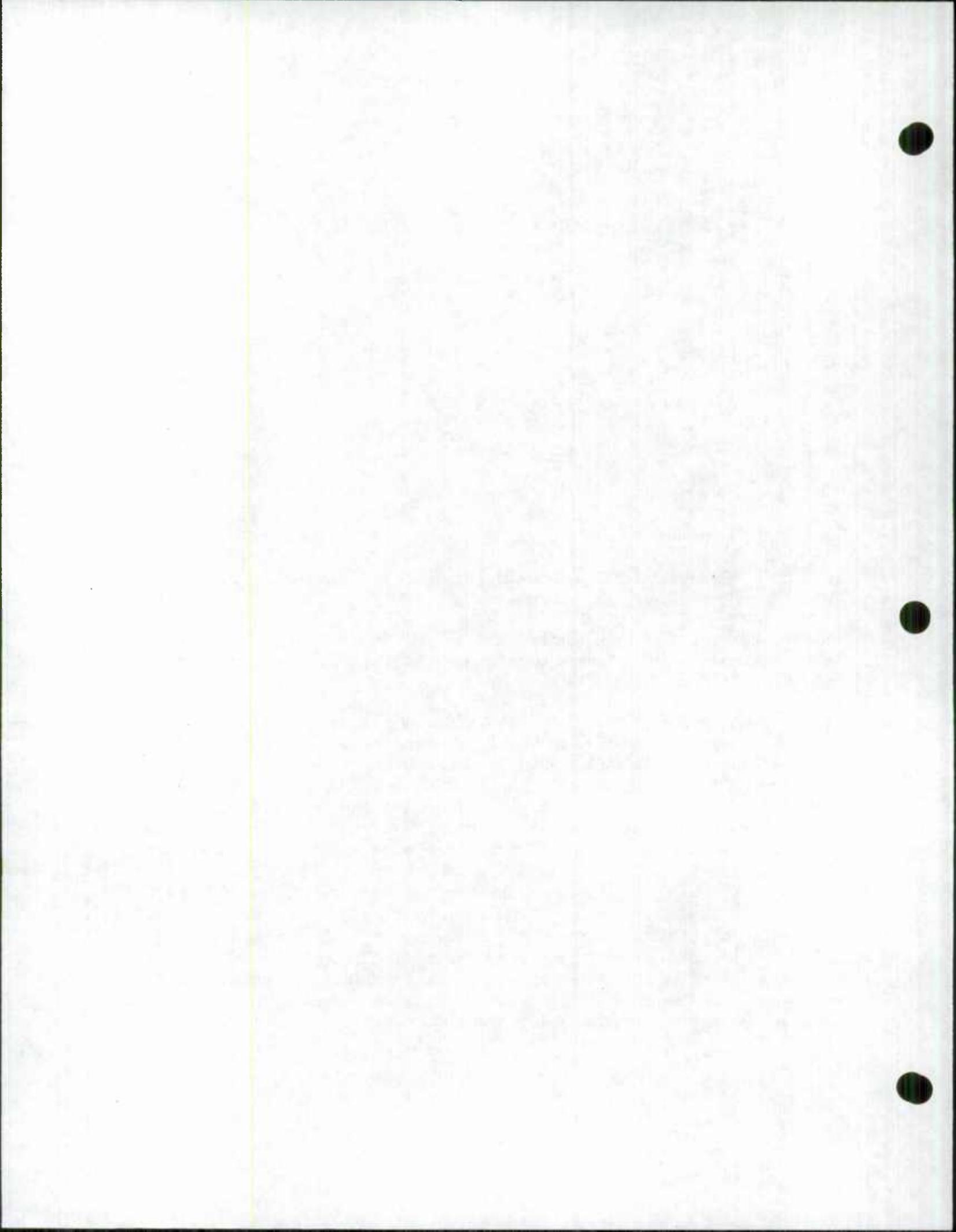
RE: POS Project #5528-2-261, Marley Creek Greenway Acquisition-Cieplak Property, Anne Arundel County

This office has received the Clearinghouse review notice for the above referenced project. The notice states that the purpose of the project is to acquire the 60 acre parcel to address protection of the greenway.

It appears that the majority of the property is within the Critical Area and is designated as a Resource Conservation Area (RCA). Additionally, it appears that there is a tributary stream that runs through the eastern side of the property which requires a 100-foot Buffer on both sides of the stream from the edge of the bank. Accordingly, any future development on the property must meet the State Critical Area Program requirements for development within an RCA, including the 15% lot coverage limit, forest clearing limitations, 15% minimum forest cover, and allowable uses within the RCA. These requirements are determined based on the total area of the property that is within the RCA and the criteria for development outlined within the Anne Arundel County Critical Area Program. Also, development activities are restricted in the 100-foot Buffer.

If the property will be held by the State, any future development that is proposed within the Critical Area portion of the property must be approved by the full Commission. We recommend that if any such projects are proposed, implementation be coordinated with Commission staff at an early stage to make sure that any Critical Area issues are adequately addressed. Thank you for the opportunity to review this proposal. If you have any questions, please call me at 410-260-3481.





Martin O'Malley
Governor

Anthony G. Brown
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Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 15, 2008

Ms. Sally Nash
City of Annapolis
Department of Planning and Zoning
145 Gorman Street
Annapolis, Maryland 21401

Re: Back Creek Force Main Replacement
Consistency Report

Dear Ms. Nash:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The City of Annapolis' Public Works Bureau of Engineering and Construction is proposing to replace the existing force main that crosses beneath the waters of Back Creek. The project site within the Critical Area is 1.25 acres and is designated as an Intensely Developed Area (IDA). The project will not create any new impervious surface area.

We concur that the proposed project is consistent with the City of Annapolis' Critical Area Program and will therefore require no further Commission review or action.

We appreciate the opportunity to provide comments on this development proposal. If you have any questions, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amber Widmayer".

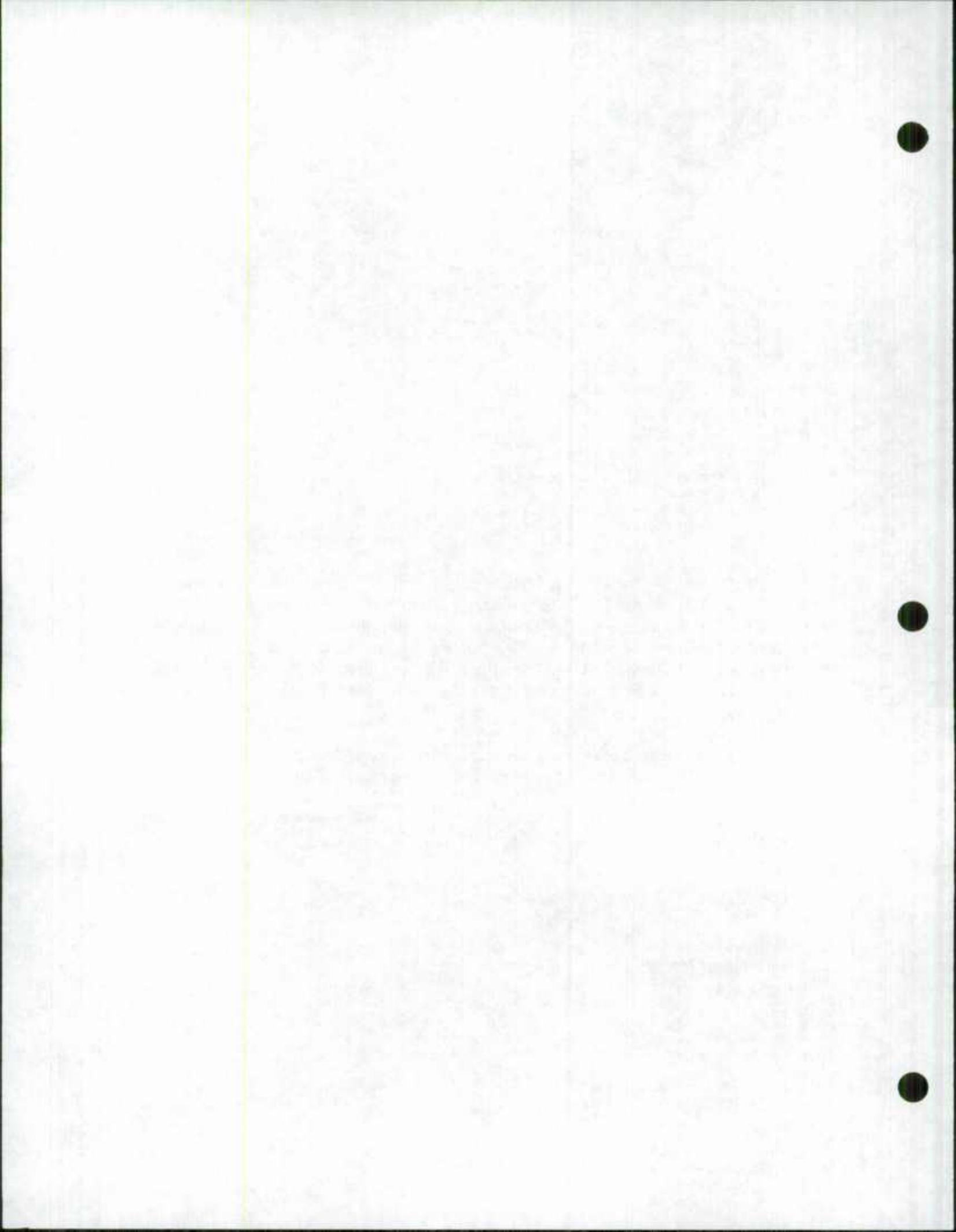
Amber Widmayer
Natural Resources Planner

cc: AN 635-08

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450





Martin O'Malley
Governor

Anthony G. Brown
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Ren Serey
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December 15, 2008

Mr. Dan Beverungen
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: River Glen
S 07-019, P 07-0128

Dear Mr. Beverungen:

Thank you for forwarding the above-referenced revised subdivision application. The applicant proposes to subdivide an existing 13.10 acre parcel into eight new lots with construction of a single family dwelling and driveway on each lot. 3.24 acres of the property are within the Critical Area with 0.39 acres designated as Resource Conservation Area (RCA) and 2.85 acres designated as Limited Development Area (LDA). The Critical Area portion of the property is currently undeveloped, and within this area, the applicant proposes to create three lots with three new dwellings, driveways and septic systems. Also, a portion of a proposed active recreation area is within the Critical Area. The applicant has addressed this office's comments from my August 4, 2008 letter and I have outlined my remaining comments below:

- 1) The applicant indicates in the response to my August 4, 2008 letter that 51,730 square feet of forested area will be placed in an easement. However, it is unclear on the plans where this proposed easement area is located. The acreages of the easement areas shown on the plans in the Critical Area are given as 40,938 square feet and 5,737 square feet, which only adds up to 46,675 square feet. Also, it appears on the plans that the easement area which is labeled as a 40,938 square foot open space area is also labeled as a 76,345 square foot easement area. It is also unclear how much of this area is within the Critical Area. Only property that is within the Critical Area and placed in an easement can count toward meeting the reforestation and easement area requirements for this project. Please have the applicant clarify on the plans the acreages of the areas within the Critical Area

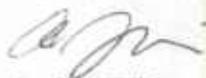


that will be placed in an easement. Also, please have the applicant distinguish the acreages of any proposed planting areas from the acreages of the existing forested areas proposed to be placed in an easement.

- 2) As noted above, the applicant indicates that 51,730 square feet of forested area will be placed in an easement. The applicant also seems to indicate that existing forested area that is placed in an easement will address the mitigation requirement for the proposed 0.31 acres of clearing. This is incorrect. The mitigation planting requirement must be addressed by new plantings on the property, and is separate from the requirement to place 80% of the existing forested area in an easement. Please have the applicant provide a planting plan showing where the reforestation mitigation requirement will be addressed. This planting area must be protected, preferably by easement as well. If any part of the reforestation requirement can not be addressed with plantings on site, the applicant must show that the remaining requirement will either be addressed with offsite plantings or through a fee-in-lieu payment.
- 3) We note that the applicant currently proposes to clear just over 20% of the existing forested area in the Critical Area and consequently reforestation mitigation must be provided at a 1.5:1 ratio for the total area cleared within the Critical Area portion of the property. With the proposed 0.31 acres of clearing, the resulting mitigation planting requirement is 0.465 acres. Alternatively, if the proposed clearing can be reduced to 20% of the existing forested area on the property within the Critical Area or less, the 1:1 mitigation ratio will apply.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 147-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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December 15, 2008

Mr. Robert Schuetz
City of Annapolis
Department of Planning and Zoning
145 Gorman Street
Annapolis, Maryland 21401

Re: Truxtun Park Recreation Center
City of Annapolis Recreation and Parks Department

Dear Mr. Schuetz:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On December 3, 2008, the Critical Area Commission unanimously approved the City of Annapolis' proposal and site plan to redevelop the existing Truxtun Park Recreation Center on Hilltop Lane in Annapolis.

The approval was based on the mitigation package provided by the applicant described in the enclosed signed planting agreement. Please notify me once the planting plan has been implemented.

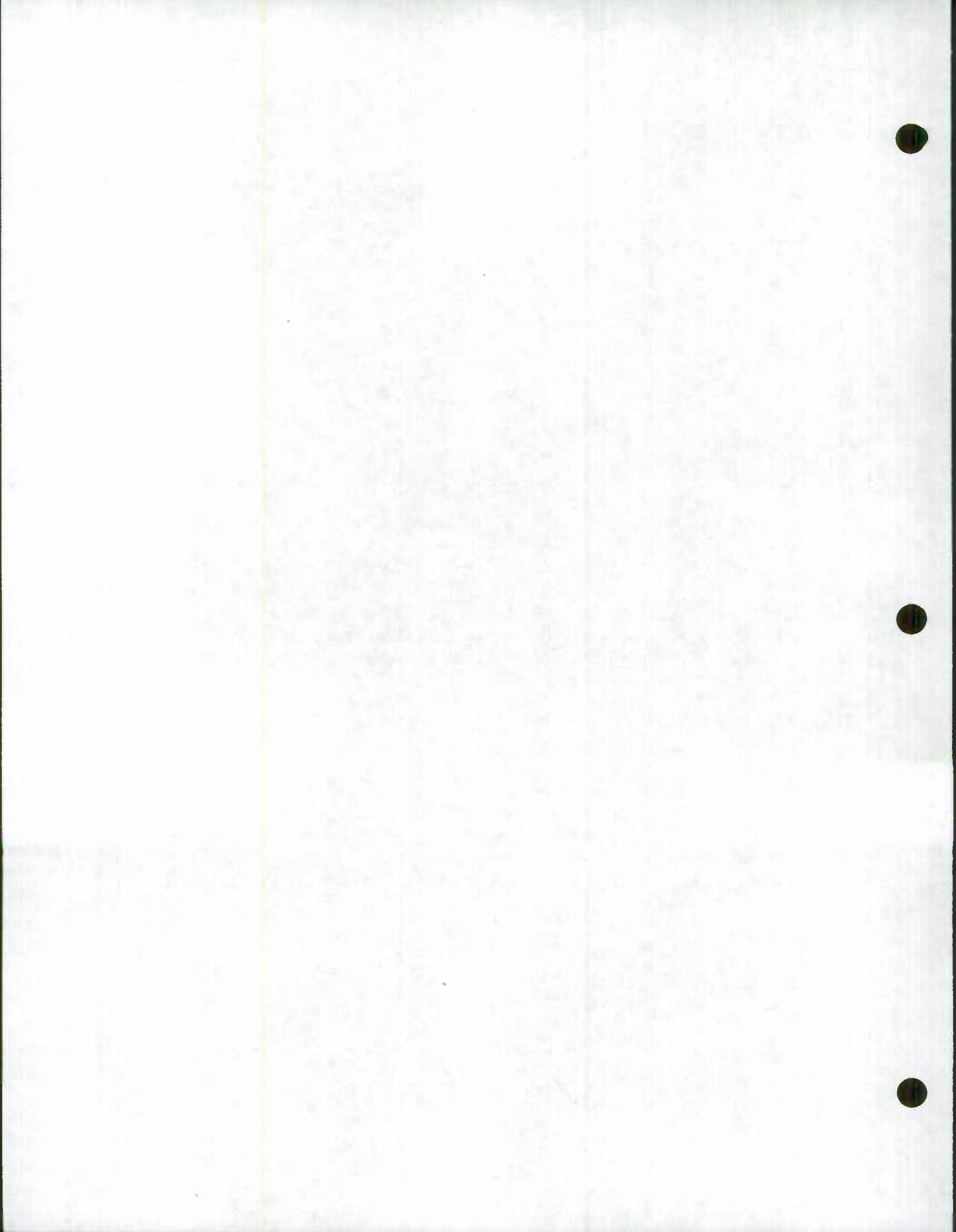
Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "AWidmayer".

Amber Widmayer
Natural Resources Planner

cc: AN 437-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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December 18, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Lamon's Landing
S 07-073, P 07-0219

Dear Mr. Burke:

Thank you for forwarding the above-referenced revised subdivision application. The applicant proposes to subdivide an existing 4.26 acre parcel into a 10-lot subdivision, to construct new dwellings on nine of those lots and to retain an existing dwelling on the tenth lot. Eight of the proposed lots are within the 3.48 acre portion of the property that is in the Critical Area and designated as a Limited Development Area (LDA). The applicant has addressed this office's comments from my August 20, 2008 letter. I have provided my remaining comment below:

- 1) There is an apparent inconsistency between the figures provided for the existing forested area, the proposed area of clearing, and the proposed forest conservation easement area within the Critical Area portion of the property. The applicant's materials indicate that within the Critical Area portion of the property, there are 2.55 acres of existing forested area, and 0.51 acres of this will be cleared. When the proposed clearing is subtracted from the existing forested area, 2.04 acres remain. However, the plans show that 2.32 acres of existing forested area will be placed in a forest conservation easement. Please have the applicant resolve this apparent inconsistency.

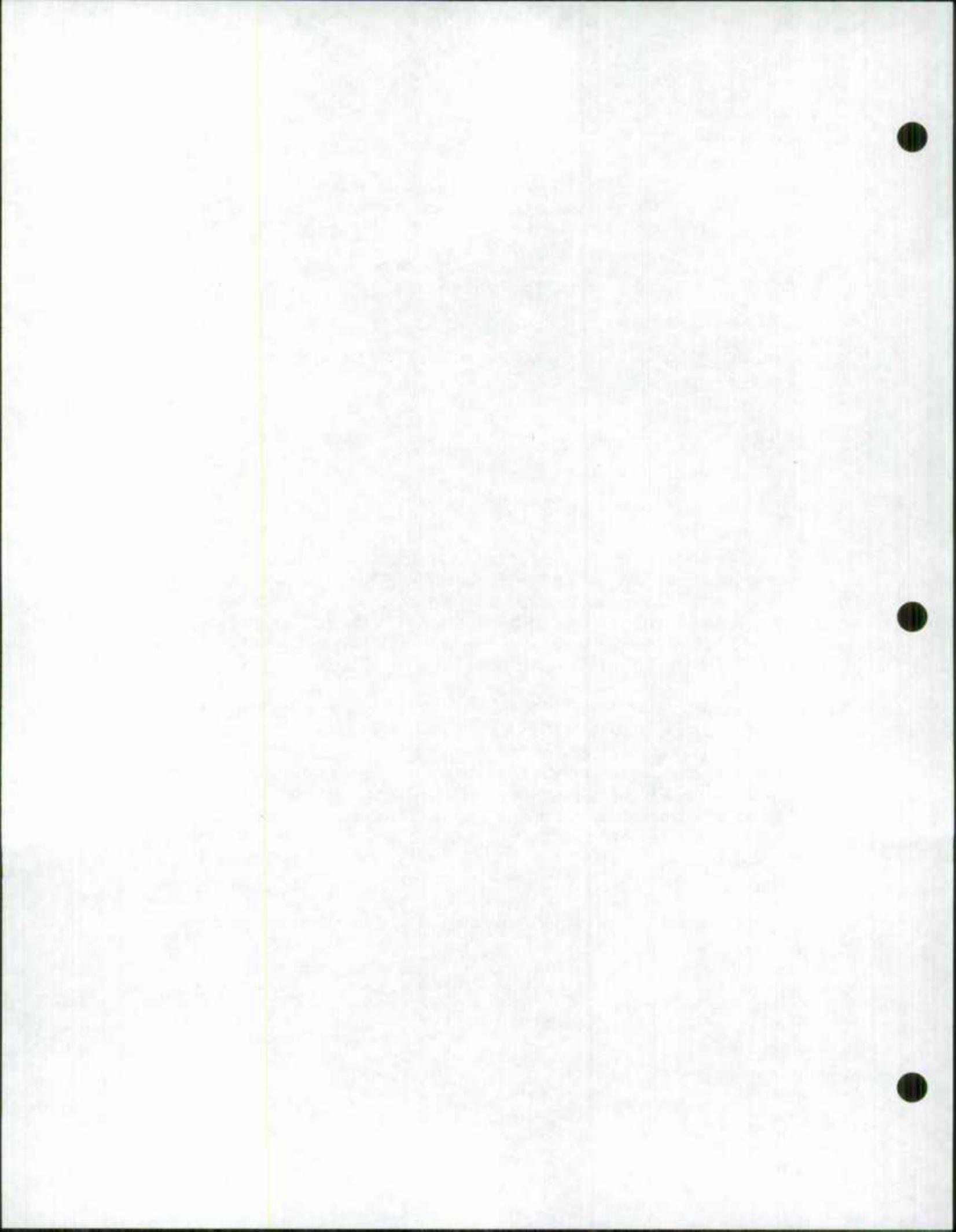
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 681-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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December 26, 2008

Ms. Suzy Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Mike's Crab House/Piera Family Limited Partnership
Critical Area Mapping Reclassification Request
2005-0002-C, BA 69-05C

Paul's Restaurant/Food Services, Inc.
Critical Area Mapping Reclassification Request
2005-0003-C, BA 70-05C

Dear Ms. Schappert:

This office has received a copy of the above mentioned Critical Area map reclassification request. The proposed mapping reclassification would change 2.89 acres on Tax Map 50, Parcels 283, 363, 233, 187 and part of 182 from a Limited Development Area (LDA) to an Intensely Developed Area (IDA) on the basis of mistake. The Anne Arundel County Board of Appeals approved the requested mapping reclassification on February 17, 2006 and the County has requested that the Commission review and process the request as a refinement to the County's Critical Area Program and maps.

This letter serves to notify you that the Critical Area Commission is accepting the County's requested Critical Area mapping reclassification for processing. Within 30 days of the date of this letter, Chair McHale will make an amendment or refinement determination. Commission staff will notify you of her determination and the procedures for review by the Critical Area Commission.

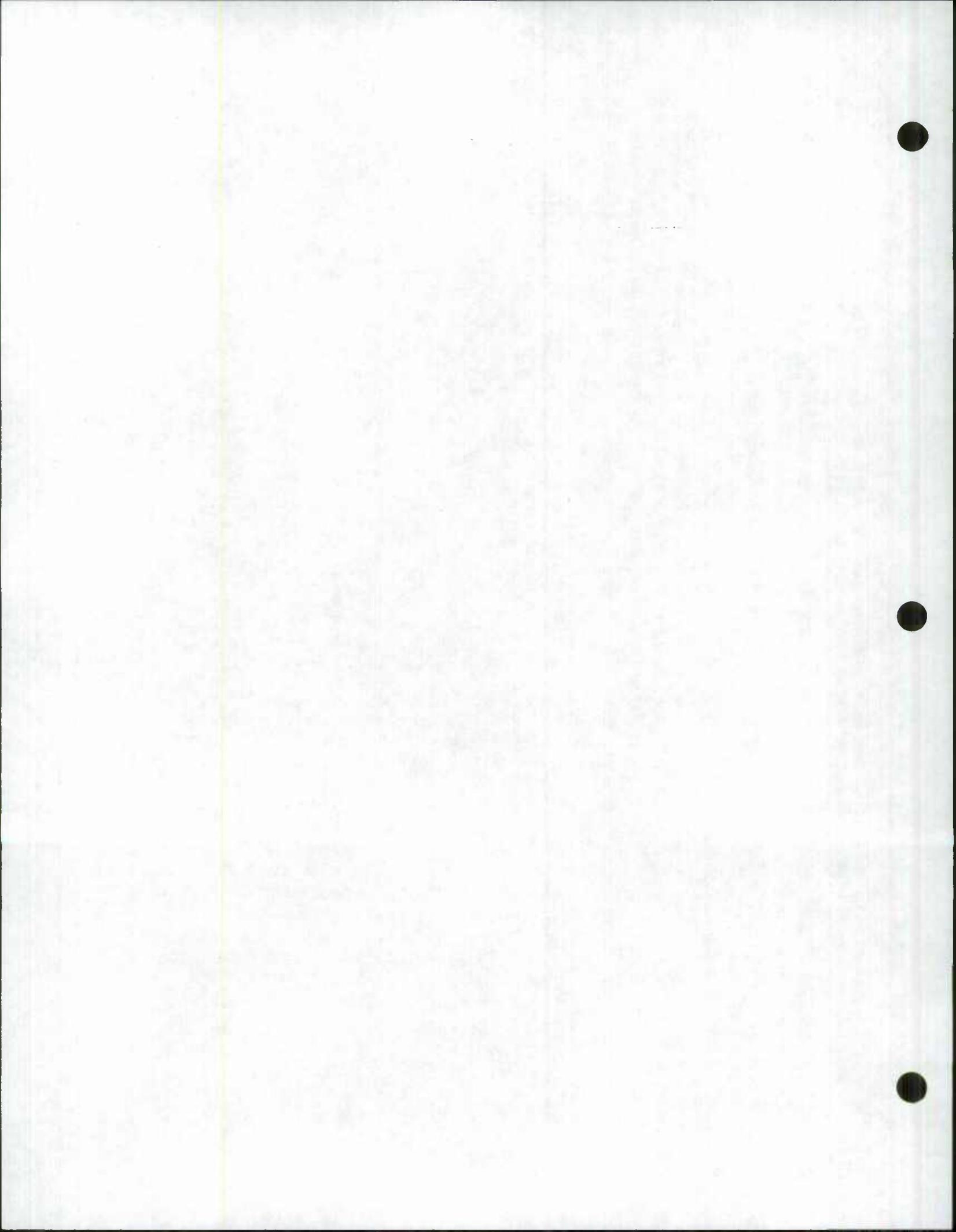
Thank you for your cooperation in submitting the proposed map amendment for review and approval. If you have any questions, please telephone me at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resource Planner
cc: AA 13-07

TTY for the Deaf
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



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Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

December 26, 2008

Ms. Suzy Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Patapsco Central LLLP & Patapsco Associates LP
Critical Area Mapping Reclassification Request
2008-0092-C

Dear Ms. Schappert:

This office has received a copy of the above mentioned Critical Area map reclassification request. The proposed mapping reclassification would change the Critical Area designations on a total of 10.14 acres on Tax Map 1, Parcels 26 and 617 on the basis of mistake as follows: 393,035 square feet of a Limited Development Area (LDA) would change to an Intensely Developed Area (IDA), 26,925 square feet of a Resource Conservation Area (RCA) would change to an IDA, 15,880 square feet of an LDA would change to an RCA, and 6,026 square feet of an IDA would change to an RCA. Anne Arundel County's Administrative Hearing Officer approved the requested mapping reclassification on July 23, 2008, and the County has requested that the Commission review and process the request as a refinement to the County's Critical Area Program and maps.

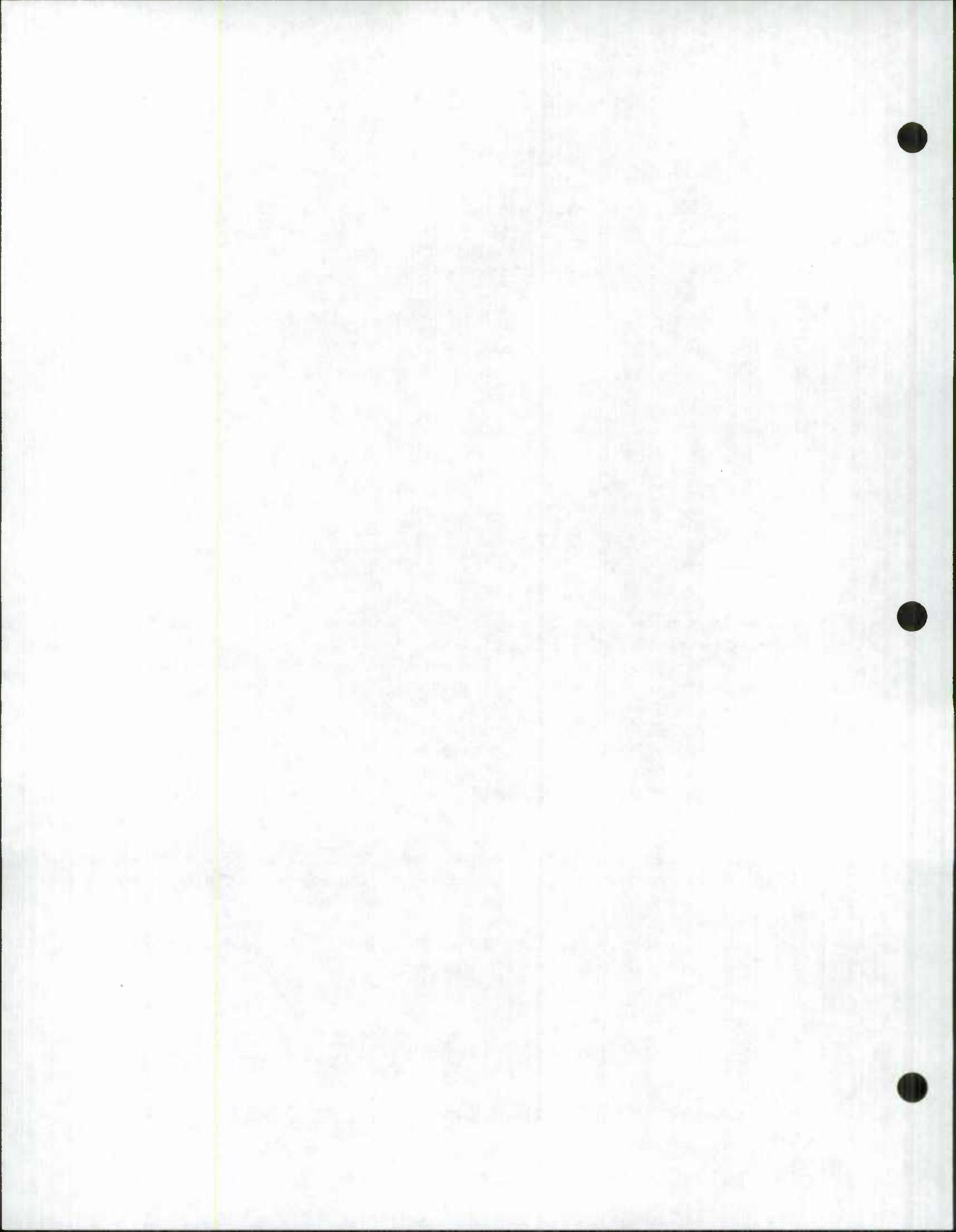
This letter serves to notify you that the Critical Area Commission is accepting the County's requested Critical Area mapping reclassification for processing. Within 30 days of the date of this letter, Chair McHale will make an amendment or refinement determination. Commission staff will notify you of her determination and the procedures for review by the Critical Area Commission.

Thank you for your cooperation in submitting the proposed map amendment for review and approval. If you have any questions, please telephone me at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "AW", written over a light-colored background.

Amber Widmayer
Natural Resource Planner
cc: AA 229-08



Martin O'Malley
Governor

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December 26, 2008

Ms. Suzy Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: DeBaugh Critical Area Mapping Reclassification Request
2007-0273-C

Dear Ms. Schappert:

This office has received a copy of the above mentioned Critical Area map reclassification request. The proposed mapping reclassification would change 11.46 acres on Tax Map 5, Parcel 47 from a Resource Conservation Area (RCA) to an Intensely Developed Area (IDA) on the basis of mistake. Anne Arundel County's Administrative Hearing Officer approved the requested mapping reclassification on November 16, 2007, and the County has requested that the Commission review and process the request as a refinement to the County's Critical Area Program and maps.

This letter serves to notify you that the Critical Area Commission is accepting the County's requested Critical Area mapping reclassification for processing. Within 30 days of the date of this letter, Chair McHale will make an amendment or refinement determination. Commission staff will notify you of her determination and the procedures for review by the Critical Area Commission.

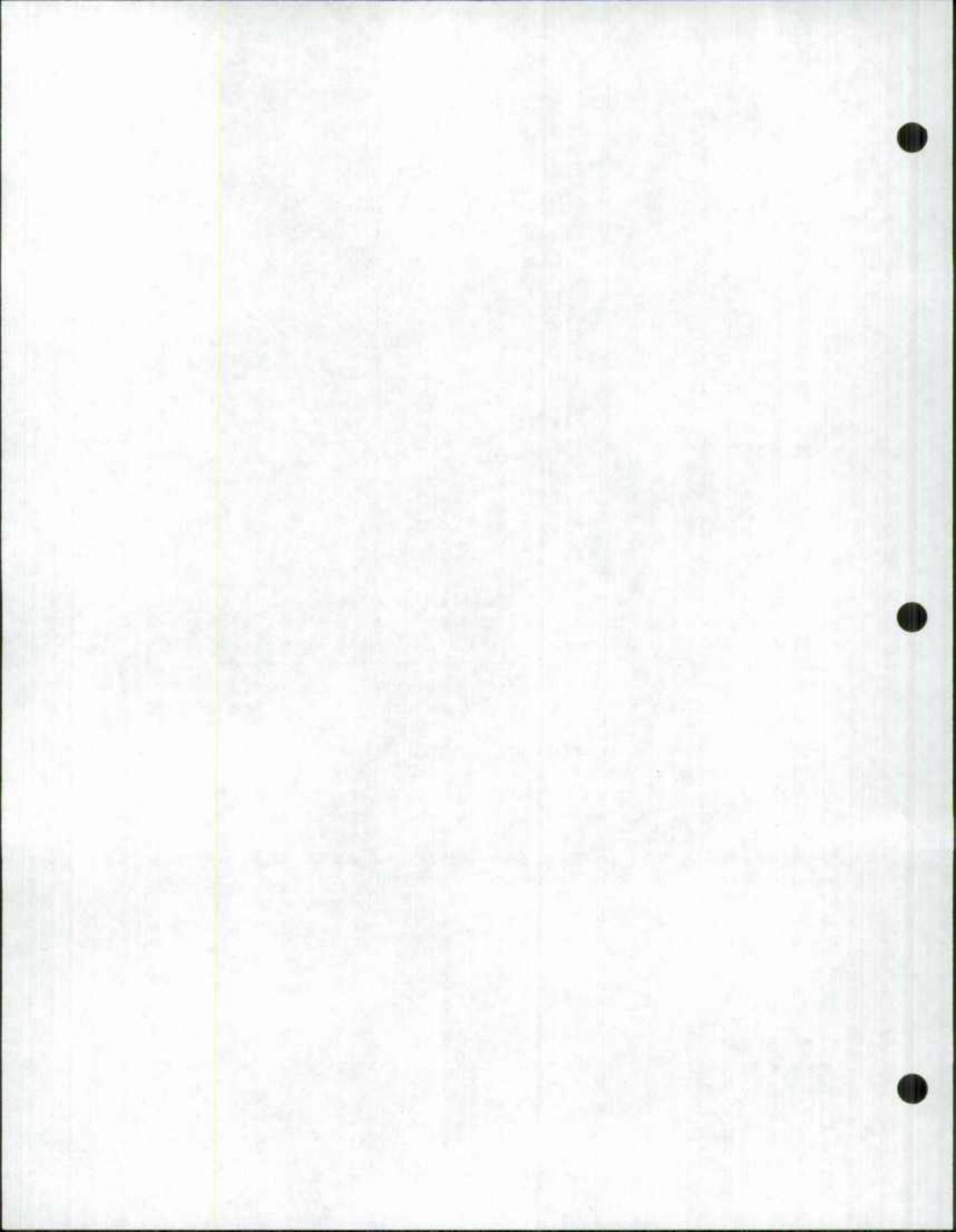
Thank you for your cooperation in submitting the proposed map amendment for review and approval. If you have any questions, please telephone me at (410) 260-3481.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resource Planner

cc: AA 509-07



Martin O'Malley
Governor

Anthony G. Brown
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Executive Director

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December 30, 2008

Ms. Adriene Stiffler

MD State Highway Administration
OPPE- Environmental Planning Division
707 N. Calvert Street, Mail Stop C-301
Baltimore, MD 21202

Re: Project No. WI649B21
US 13 Bus. Over US 50 Bus.
SHA Bridge No. 22026
Wicomico County

Dear Ms. Stiffler:

Thank you for forwarding additional information regarding the above mentioned project. The purpose of the project is to maintain the existing bridge by replacing the superstructure and raising the underclearance of the bridge. Also in conjunction with this bridge maintenance work, the roadway drainage, traffic signals and sidewalks will be upgraded, and US 13 Business will be elevated in the area of the bridge. The project site is within the Critical Area and because it is within the existing State right of way is designated as an Intensely Developed Area (IDA).

As requested, the applicant has provided additional information regarding the proposed drainage improvements associated with this project and it does not appear that the proposed drainage improvements will have adverse impacts on downstream habitat or hydrology. Accordingly, this office has determined that the proposed project is eligible for general approval under the 2003 Memorandum of Understanding between the Maryland Department of Transportation and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (MOU), as the project meets the general conditions for general approval as well as the definition of a routine maintenance project under the MOU.

Should you have any questions, please feel free to contact me at 410-260-3481.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



Ms. Stiffler
December 30, 2008
Page 2 of 2

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: 51-08 DOT SHA

Martin O'Malley
Governor

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Lt. Governor



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Ren Serey
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MEMORANDUM

To: Marti Sullivan, Program Open Space

From: Amber Widmayer *ATW*

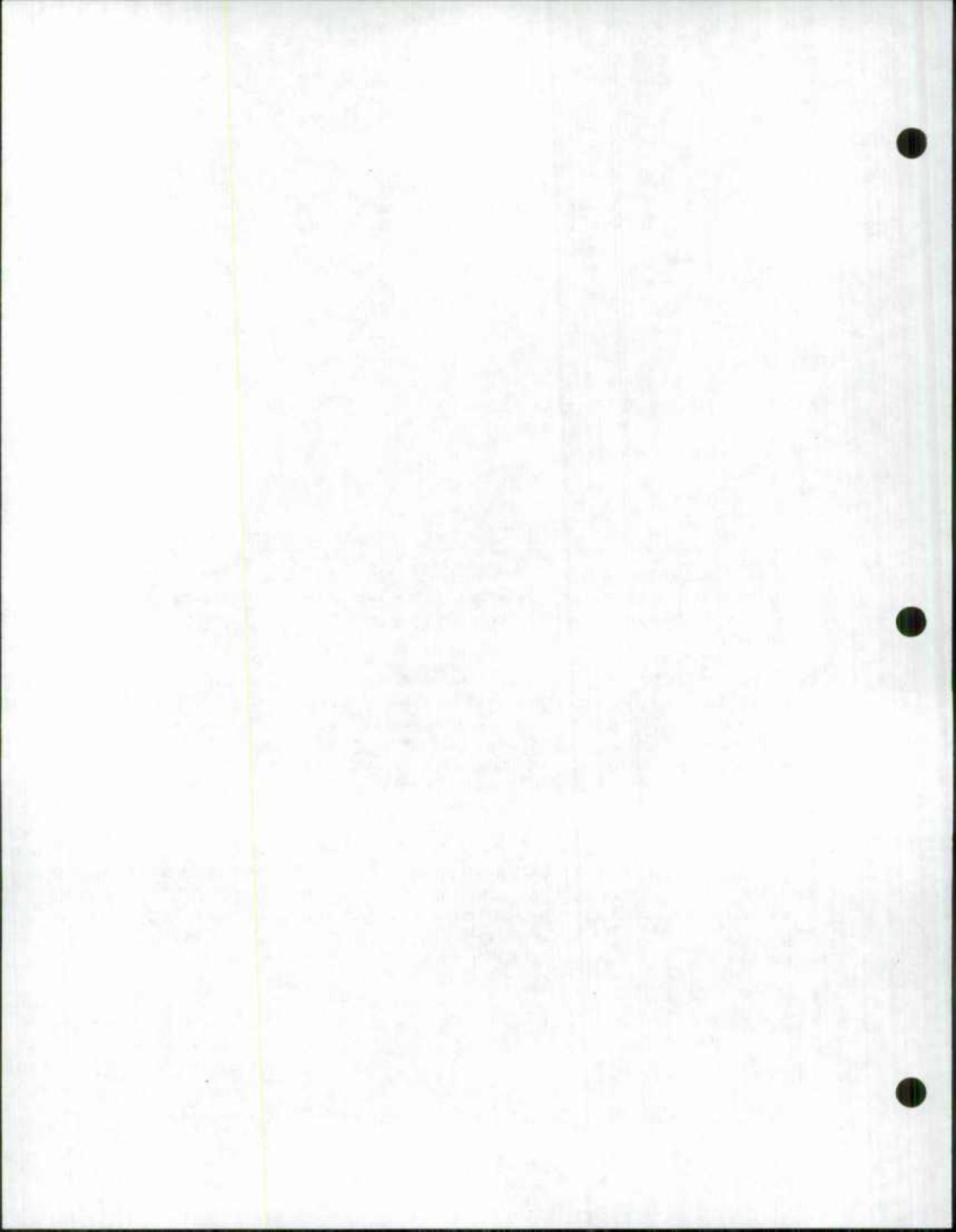
Date: December 30, 2008

RE: POS Project #5550-2-265, Truxtun Park Trail Restoration, Anne Arundel County

This office has received the Clearinghouse review notice for the above referenced project. The notice states that the purpose of the project is to design, stabilize and restore approximately 2,500 linear feet of woodland pathway/trail and to provide a long-term solution for erosion and deterioration of the trail.

It appears that much of the trail is within the Resource Conservation Area (RCA) within the Critical Area. Accordingly, the project must meet The City of Annapolis' Critical Area Program requirements for development within an RCA, including the 15% impervious surface limit, forest clearing limitations, minimum 15% forest cover, and allowable uses within the RCA. These requirements are determined based on the total area of the property that is within the RCA and the criteria for development outlined within the City of Annapolis' County Critical Area Program.

We note that the proposed activities qualify under COMAR 27.02 as a local agency action on lands owned by local jurisdictions and as such, the project will require formal review by the Commission. We recommend that the project implementation be coordinated with City of Annapolis Staff to make sure that any Critical Area issues are adequately addressed at both the State and local levels. Thank you for the opportunity to review this proposal. If you have any questions, please call me at 410-260-3481.



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December 30, 2008

Mr. Dan Gerczak
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Russell Fabrication/Shenton Property
C 08-0012, G 02013310

Dear Mr. Gerczak,

Thank you for forwarding revised plans for the above-referenced project for review. The applicant proposes to construct a new commercial building and parking lots on an existing 0.77 acre parcel. The property is classified as an Intensely Developed Area (IDA). I have provided my remaining comments below:

1. The applicant proposes to use grass channels for purposes of addressing the 10% calculations. However, grass channels are intended for treatment of roads and other linear impervious surfaces with an impervious flow path length not more than 75 feet in width. Therefore, the applicant must provide another treatment option to address the 10% pollutant reduction. Please have the applicant submit revised 10% calculations with information about how the pollutant removal requirement will be addressed on site by a Best Management Practice (BMP) in addition to or instead of the proposed grass channels. We note that the applicant has indicated that a high water table on the property prevents the use of a sand filter and other BMPs for addressing the 10% pollutant reduction requirement on site. If this is the case, the applicant must address this requirement by providing a BMP offsite or offsets to address the 10% requirement. This office is happy to meet with the applicant to discuss such alternative methods of meeting this requirement.

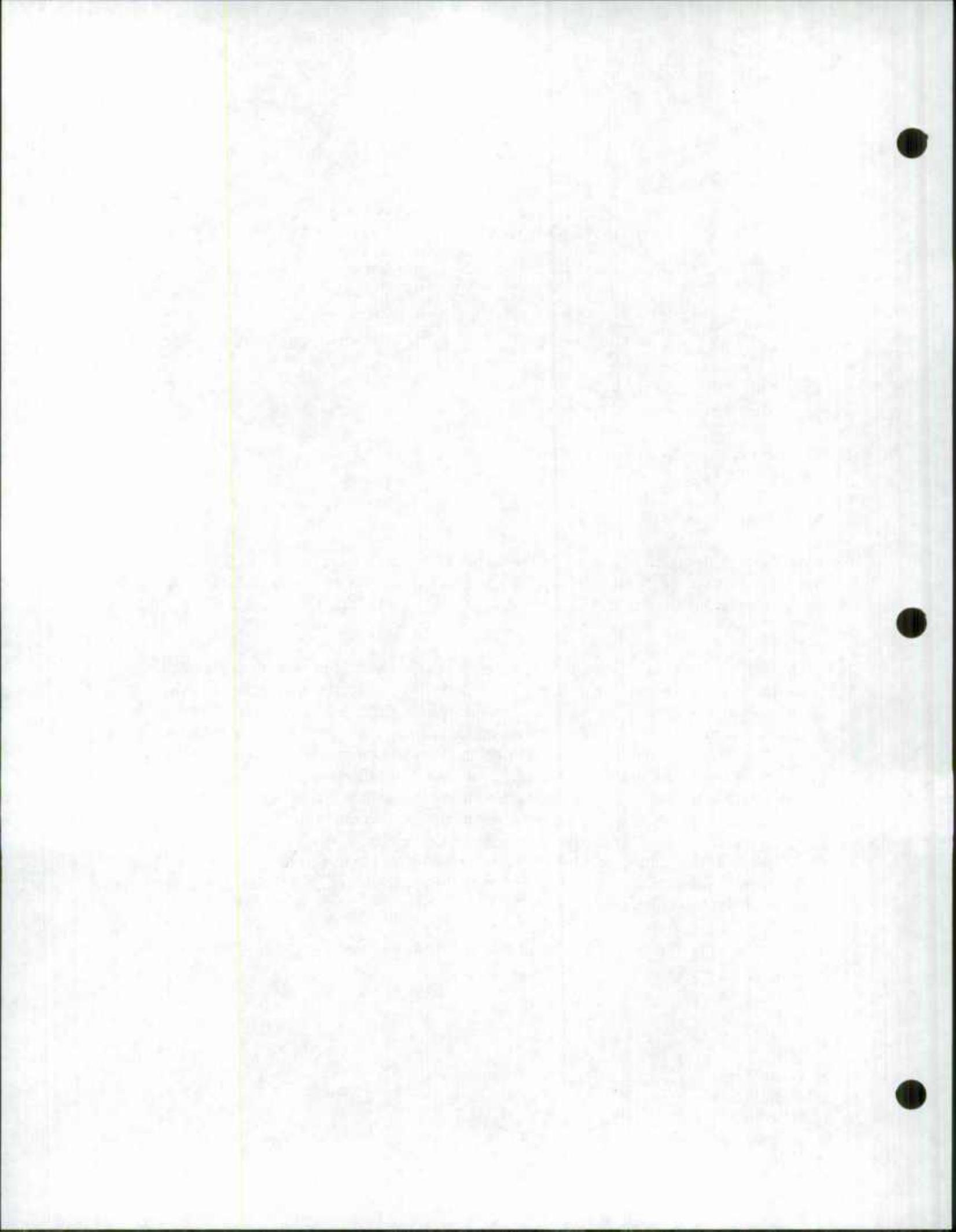
Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: AA 61-02
AA 110-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 31, 2008

Mr. Tom Burke
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: Parker Creek
S-05-014, P-07-0153

Dear Mr. Burke:

Thank you for forwarding the above referenced subdivision resubmittal. The project consists of the subdivision of an existing 2.66 acre lot into five lots, removal of an existing dwelling, driveway, shed and pool, and construction of five new dwellings and driveways on each of the proposed lots. 0.35 acres of the property are designated as a Resource Conservation Area (RCA) and 2.31 acres are designated as a Limited Development Area (LDA). The applicant has addressed most of this office's comments from my August 22, 2008 letter. I have outlined my remaining comments below:

- 1) There are inconsistencies between the numbers shown on the plat and plans with reference to the area of proposed clearing and the area of the proposed forest conservation easement. The plat shows that 6,000 square feet of existing forest will be cleared with 23,718 square feet placed in an easement, while the plans show that 7,080 square feet will be cleared with 36,712 square feet placed in an easement. Please have the applicant resolve these inconsistencies.
- 2) It appears that the 14.3% proposed lot coverage figure was calculated using the entire property area including the area of tidal wetlands. When the area of tidal wetlands is subtracted from the property area, the proposed lot coverage calculation exceeds 15%. In order to include tidal wetlands in the property area for purposes of calculating the allowable area of lot coverage, a certified wetland delineator must delineate state tidal wetlands from private tidal wetlands, and only the area of private wetlands can be included in the property area for purposes of

Mr. Burke
December 31, 2008
Page 2 of 2

calculating lot coverage. Alternatively, the applicant may subtract the total area of tidal wetlands from the property area and reduce the proposed lot coverage so that it is below 15% lot coverage limit.

- 3) We note that in the response to this office's comments, the applicant indicates that a planting plan will be forwarded to this office for review. Please forward the planting plan with future submittals when it is available.
- 4) As requested, the applicant has included a plat note confirming that the proposed lots will not be created with riparian rights and only one pier will be allowed on the property. Please have the applicant add this note to the plans as well. Also, the applicant should provide information showing that the proposed number of slips on the community pier will be in conformance with COMAR 27.01.03.07. The pier and the proposed path through the Buffer to access the pier must be shown on the plans. This path should be incorporated to the planting plan to be submitted to this office.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer
Natural Resources Planner

cc: AA 15-07